

# AN ENCYCLOPÆDIA OF PARLIAMENT





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Rhodesia and Nyasaland*

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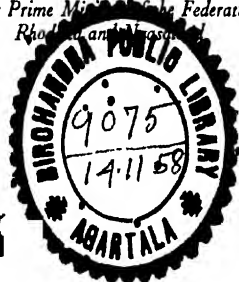
*Librarian of the Legislative Assembly  
of Southern Rhodesia*

With a Foreword by

THE RT. HON. THE VISCOUNT MALVERN,

C.M., K.C.M.G., M.P.

*formerly Prime Minister of the Federation of  
Rhodesia and Nyasaland*



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To  
OUR WIVES  
in love and devotion



## FOREWORD

BY

The Right Honourable the VISCOUNT MALVERN, C.H., K.C.M.G.,  
M.P., formerly Prime Minister of the Federation of Rhodesia and  
Nyasaland.

HAVING been a Member of Parliament for many years, during which I have sat in three legislative chambers, I feel I can claim a long and close association with parliamentary institutions. I was therefore most interested when the authors informed me that they had compiled a parliamentary encyclopædia and readily accepted their invitation to contribute a foreword. Many books have been written about Parliament, but to the best of my knowledge this one represents the first attempt to present a wide range of parliamentary information in the form of an encyclopædia. The advantage of the encyclopædic method of arrangement is obvious as it enables the reader to find the specific information required merely by turning up the appropriate heading in the alphabetical sequence, and the subject of Parliament seems to lend itself ideally to this treatment. No aspect of Parliament has been neglected in this book. The headings cover history, procedure, ceremonial, administrative and political offices, parliamentary institutions throughout the Commonwealth, and other related subjects. A valuable work of reference has thus been provided for a wide range of readers including politicians, lawyers, writers, journalists, Civil Servants, librarians, teachers and students of history and civics, and, by no means least, the interested man-in-the-street. A particularly useful feature of the book is the extensive parliamentary bibliography which points the way to further reading.

It is personally gratifying to me that such a book should have emanated from this young and enthusiastic member of the Commonwealth, the Federation of Rhodesia and Nyasaland, and that its authors should be the librarians of the two Parliaments with which I have been most intimately connected during my long political career. It may seem strange that an authoritative work of this kind should come not from London but from Central Africa, but it is in the younger countries of the Commonwealth that parliamentary customs, traditions, and procedure have had to be studied most carefully in order that the high standards of the Mother of Parliaments may be maintained. We in this country are conscious of the great heritage which has been passed on to us, and the writing of this book by two of our citizens may be regarded as a recognition of our solemn trust.

Like so many of their fellow Rhodesians the authors were born in England. Mr. Wilding started his career at the London Library, the

## FOREWORD

famous home-from-home of scholars and men of letters, and subsequently spent fourteen years as a librarian at the House of Commons before coming to Southern Rhodesia in 1949 as Librarian of its Legislative Assembly. In 1954 he became the first Librarian of the newly created Federal Assembly. Mr. Laundy, after working in public libraries in the United Kingdom, came to Southern Rhodesia in 1950 to join the staff of the Legislative Assembly, and succeeded Mr. Wilding as Librarian of that Parliament in 1954. They have worked closely together during their years in this country and I have known them both as enthusiastic researchers. They gathered much detailed knowledge of the Parliaments of the Commonwealth in 1953 when, with another colleague, they prepared a parliamentary exhibition which was honoured by a visit from Her Majesty Queen Elizabeth the Queen Mother and Her Royal Highness the Princess Margaret.

It gives me great pleasure to commend this work, the fruits of much labour and research, to my fellow parliamentarians and to all seekers after parliamentary information. I am sure that it will prove invaluable not only in the major countries of the Commonwealth but also in the ever-increasing number of states which are emerging as responsible and equal partners in our family of nations.

MALVERN

SALISBURY,  
SOUTHERN RHODESIA.

## PREFACE

WE hope we may be forgiven our temerity in producing this book in a relatively remote outpost of Empire, far removed from the fountain-head of parliamentary wisdom, but we can only plead that it represents the logical outcome of a richly rewarding occupation. The idea for this work came to us in the pursuit of our daily round. In the course of the researches which form a major part of a parliamentary librarian's duties we soon discovered that the answers to the wide range of inquiries which we dealt with relating to Parliament and its associated subjects involved the consultation of many volumes of varying scope and content. It was apparent that no single source of reference existed to which one could turn with such inquiries. We therefore began to record the information gleaned from our many and varied assignments for subsequent re-use as inquiries recurred, and over a period of time these papers grew into a sizeable information index. So useful did we find this compilation that when pressure of work permitted we began to prepare papers in anticipation of probable inquiries. It later occurred to us that our index, suitably revised, expanded and supplemented, would be well suited to publication in the form of an encyclopædia. It had served us so well that it seemed reasonable to suppose that a wider public would find it of equal value. We make no extravagant claims for this book as a work of original research, much of the information contained herein being available from other sources. Not all of it, as we have reason to know, can readily be turned up elsewhere, and we feel justified in claiming that we have collected into one volume a wealth of fact which is otherwise obtainable only from a numerous assortment of other publications.

Very little explanation is required with regard to the arrangement of material. The headings are arranged in one alphabetical sequence and in most instances are the obvious ones which will occur to the inquirer in connexion with the information he requires. It was decided, however, not to place under one heading a general historic survey of Parliament as such an article would necessarily have been of disproportionate length. Instead we have dealt with the parliamentary history of individual reigns from that of Elizabeth I to Victoria under the name of each Sovereign, the earlier history of Parliament being considered under the broad heading, 'Parliament'. This arrangement had the added advantage of enabling us to deal with the relations between the Crown and Parliament at different periods of history under the heading of the Sovereign concerned. Read in consecutive chronological order these articles provide, within the limits of a work of this nature, a reasonably detailed account of the origin and development of Parliament.

Being strictly concerned with Parliament, this encyclopædia does not

## PREFACE

include biographical entries under the names of statesmen and politicians, which are readily available in other works of reference. Where the activities of such people concern parliamentary history they are dealt with in the historical articles. Personal entries are confined to those individuals who have in some way been directly concerned with the creation and growth of the powers, privileges, and precedents of Parliament or who have influenced its customs and procedure.

It would be impossible in the space of this preface to acknowledge our indebtedness to the many authorities of which we have made use. There are very few books listed in the bibliography which have not been consulted, and it is probably invidious to single any out for special mention. Nevertheless, in view of the extensive use made of E. S. E. May's *Parliamentary Practice* we should draw attention to the fact that most of our information on matters of procedure is derived from this, the standard text-book on the subject, and our thanks and acknowledgments are due to Lord Campion, editor of the 15th edition, and to the publishers, Messrs. Butterworth & Co., Ltd., for permission to quote from it. Our grateful acknowledgments are also due to Mr. O. Hood Phillips for permission to quote from his *Constitutional Law of Great Britain and the Commonwealth*, 1952, published by Sweet & Maxwell, to Mr. Kenneth Mackenzie for allowing us to make use of his excellent study for Penguin Books, *The English Parliament*, to the Controller of H. M. Stationery Office for permission to quote from the Report on the 1948 Conference on House of Lords Reform (Cmd. 7380), and to various United Kingdom government departments which have supplied us with lists of office-holders.

Our deepest thanks are due to our colleagues throughout the Parliaments of the British Commonwealth who have provided us with material and moral support in this undertaking. Through their kind co-operation we have been able to include information not otherwise available in published form, and we trust they will place us further in their debt by correcting any errors of commission or omission of which we might have been guilty, and for which we alone are responsible.

SALISBURY,  
SOUTHERN RHODESIA.

N. W. W.  
P. A. C. L.



# A

## ABSENCE, LEAVE OF

The formal granting of leave of absence to a Member of Parliament is a practice which has largely fallen into disuse. The attendance of members is not enforced in either House. Formerly members of the House of Commons who absented themselves without permission were directed to be punished, the penalty being forfeiture of wages. Although the penalty is no longer applicable the legislative declaration of the duty of a member remains on the Statute Book.

The formal granting of leave of absence by the House is not entirely obsolete, however, and Erskine May instances the occasion on 13 December 1948, when leave of absence was given to the Chairman of Ways and Means and three other members to go to Ceylon. The procedure may also be resorted to in the case of a member wishing to absent himself from a committee on which attendance is compulsory under Standing Orders.

Party organization has taken the place of compulsion in securing attendances, but some other Commonwealth Parliaments continue to enforce the attendance of members, who are required to obtain permission if they wish to absent themselves from a sitting of the House.

It is interesting to record that in the House of Lords the practice is still observed of entering the name of each peer present each day in the Journal.

## ACCESS TO SOVEREIGN.

*See* PRIVILEGE; SOVEREIGN.

## ACT OF ATTAINDER

An Act of Attainder (Conviction) was an Act of Parliament convicting a person of an offence and inflicting a punishment. This was not necessarily preceded by a trial, but if it was it was held before both Houses of Parliament and not before the Lords on the accusation of the Commons, as was the case in an impeachment (q.v.). The Act of Attainder procedure was commonly used from the 15th century until the reign of James I instead of impeachment, and Erskine May describes it as 'the highest form of parliamentary judicature'. It has not been employed since the early 18th century, and like impeachment is now obsolete. The latter had for its object the coercion of the King,

## Act of Indemnity

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and it would necessarily be in times of serious conflict between King and Parliament that it would be resorted to. Attainder was a sign that King and Parliament were in agreement, since the King must sign the Bill, although in theory attainder served the same purpose as impeachment—the parliamentary control of the King's minister.

### ACT OF INDEMNITY

An Act of Indemnity, protecting persons against the consequences of any breach of law, can originate in either House and is proceeded with as an ordinary Bill, although the Bill is usually passed through all its stages at one sitting as being an urgent matter. A famous Bill of Indemnity was that passed by the Convention Parliament (q.v.) at the Restoration to exonerate, with certain exceptions, all those who had committed acts directed against the monarchy. Bills of Indemnity are now usually passed for the protection of Members of Parliament who are sitting illegally, and who would otherwise be committed to a fine of £500 for each day's attendance. A recent example of this was an Act passed in 1951 to indemnify the Rev. J. G. MacManaway, who was elected as member for Belfast West but disqualified from sitting under the House of Commons (Clergy Disqualification) Act of 1801. The passing of the House of Commons Disqualification Act in 1957 should almost eliminate the necessity for Indemnity Bills in that House, as prospective candidates can consult the list of disqualifying offices contained in the Act before offering themselves for election.

### ACT OF PARLIAMENT

A Bill which has successfully passed through all its stages in both Houses and has received the Royal Assent (q.v.) becomes an Act of Parliament and thus a law of the land. An Act may be amended or repealed by another Act which in turn has undergone the same processes in the form of a Bill. A Bill is a draft statute which very often undergoes amendment during its committee stage (see BILL, PASSAGE OF); consequently the Act which eventually emerges sometimes differs from the Bill which was originally introduced into the House.

An Act of Parliament consists of the following parts:

i. *Citation and Short Titles.* The citation title is generally set out in the last section and is usually identical with the short title at the head of the Act. An Act of Parliament is always referred to by its short title (e.g., Education Act, 1944). Occasionally the short title and the citation title are not identical, as in the case of the Consolidated Fund (Appropriation) Act, which is always enacted as the Appropriation Act. An Act may also be cited by its regnal year and chapter number.

ii. *Long Title.* The long title sets out in general terms the purpose of the Act, and when the term 'title' is used without qualification, it usually refers to the long title.

iii. *Preamble.* The preamble is not an essential part of an Act and is not often now incorporated in a Public Act. Its purpose is to state the reasons and intended effects of the legislation.

iv. *Enacting Formula.* The enacting formula is a short paragraph which precedes the sections of the Act. This formula, which was developed in the 15th century, now runs as follows: 'Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—.' The Parliaments of the other Commonwealth monarchies use a similar enacting formula in the drafting of their Acts. In Consolidated Fund and Finance Acts the usual formula is preceded by certain words which define the sole responsibility of the Commons for the grant of money.

v. *Sections.* The Act is divided into a series of numbered sections (known in the Bill form as 'clauses' (q.v.)), each with a descriptive note printed in the margin. Sections may be divided into subsections, subsections into paragraphs, and paragraphs into sub-paragraphs. Long and complicated Acts often have their sections grouped in parts distinguished by Roman numerals and titles in capitals, and these parts may again be broken up into small groups of sections with a group title in italics. A table of sections may be prefixed to an Act showing the numbered titles of the sections and also any grouping into parts. The order of the sections is usually so arranged that the leading principles of the Act are embodied in the opening section or sections. The formal sections, such as those devoted to definitions, are usually contained at the end of the Act. In the Acts of some other Commonwealth countries this practice is varied and the formal sections appear at the beginning.

vi. *Schedules.* At the end of many Acts of Parliament there are sets of schedules which contain matters of detail dependent on the provisions of the Act.

Unless otherwise provided in the Act itself, an Act of Parliament takes effect from the day it receives the Royal Assent. Under the Acts of Parliament (Commencement) Act, 1793, the Clerk of the Parliaments is required to endorse on every Act immediately after the title, the day, month, and year when it shall have been passed and received the Royal Assent. Formerly all Acts of Parliament of which the commencement was not specifically enacted were held in law to take effect from the first day of the session.

As soon as an Act has received the Royal Assent, a print of it in the form in which it was finally agreed to is prepared in the Public Bill Office of the House of Lords, and it is given a chapter number. Acts are numbered serially throughout each session in the order in which they receive the Royal Assent. Public General Acts form one series, Provisional Order Confirmation Acts and Local Acts form a second,

## Act of Settlement

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and Personal Acts, if printed, form a third. After examination a proof copy of the Act is certified by the Clerk of Public Bills and sent to the Queen's Printer, and a request is sent to the Controller of the Stationery Office to issue instructions for its immediate publication. Two prints are prepared on a durable vellum. These are endorsed with the words by which the Royal Assent was signified and signed by the Clerk of the Parliaments, thus becoming the official copies of the Act. One is sent to the Public Record Office and the other is preserved in the House of Lords. In the case of Church Assembly Measures (q.v.) a third vellum copy is printed and sent to the Church Assembly. Paper prints of the Act are placed on sale to the public, and the original prints may be seen if desired and copies taken on payment of a fee.

*See also* PRIVATE ACTS; PUBLIC GENERAL ACTS.

### ACT OF SETTLEMENT

The statute of 1701 which provided for the Protestant succession and for the disqualification of any future successor not in communion with the Church of England.

The Act also provided (1) that the nation should not engage in any war for the defence of territories not belonging to the English Crown without the consent of Parliament; (2) that the Sovereign should not leave the kingdom without the consent of Parliament; (3) that matters cognizable in the Privy Council should be transacted there, and all resolutions signed by those of the Privy Council who had advised them, a provision which was designed to subordinate the Cabinet; (4) that no foreigner should be eligible to sit in the Privy Council or in either House of Parliament, or to hold office under or receive any grant from the Crown; (5) that no office holder or person receiving a pension from the Crown should be eligible to sit in the House of Commons; (6) that no pardon under the Great Seal of England be pleadable to an impeachment by the Commons in Parliament.

Of these provisions the first, fourth, and sixth remain upon the Statute Book, although the latter can have no practical effect to-day as the practice of impeachment has fallen into disuse. The second provision was repealed in 1716 and the third in 1705. The fifth, had it remained in force, would have excluded all ministers from the House of Commons. It was first revised in 1705, when it was provided that Members of Parliament appointed to ministerial offices must vacate their seats but could submit themselves for re-election. This condition remained in force until it was abolished by the Re-election of Ministers Act, 1919, as amended 1926.

### DECLINED PARLIAMENT

The Parliament summoned by James I in 1614 in the hope of raising money. The Commons demanded the abolition of impositions (duties

raised by the sole authority of the King), a demand which failed to receive the support of the Lords, and also the restoration of the ejected clergy to their livings. Neither the King nor the Commons were disposed to meet each other's demands, with the result that the Parliament was dissolved having passed no Act and granted no supplies, thus receiving its nickname.

It was alleged that attempts had been made to influence the elections to this Parliament in order to secure the return of members in sympathy with the King, but the allegations were denounced by the King as utterly false.

## ADDRESS

See CROWN AND PARLIAMENT.

## ADDRESS, DEBATE ON THE

See DEBATE ON THE ADDRESS.

## ADEN LEGISLATIVE COUNCIL

First established in January 1947. The decision to introduce elections in the Legislative Council was announced on 20 July 1955. The Council now consists of the Governor as President, 4 *ex-officio*, 5 nominated official, and 9 unofficial members, of whom 5 are nominated and 4 elected. One of the latter is elected by the Aden Municipal Council from among its members. The first elections were held on 15 December 1955 in time for the new Council to meet in January 1956. There is an Executive Council with 3 *ex-officio* and such other members as the Governor may appoint.

## ADJOURNMENT

A temporary pause in the proceedings of a legislature which has no legal effect on the course of parliamentary business. The House of Lords or the House of Commons may adjourn at its own pleasure; the Crown cannot direct either to do so, and although the Stuart Kings made claim to such a right it was never acknowledged. The Crown has, however, acquired by Acts of 1799 and 1870 the power to abridge an adjournment. If it lasts longer than fourteen days the Crown may by proclamation order the resumption of the sittings on a day not less than six days after the date of the proclamation. In the Commons the Speaker can adjourn the House if there is not a quorum present or in the event of 'grave disorder' without putting any question, nor does he put the question when the House adjourns automatically at the end of the day's sitting or for the week-end break from Friday to Monday. This was not always the case, and up to 1888, when a fixed hour for the interruption of business was first introduced, the House could not adjourn unless a motion to that effect had been carried

## Adjournment

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Before that date the Speaker was sometimes left stranded in the Chair because members hurried out before he could put the question. Although not now necessary in the above instances, the House can still be adjourned by motion, and it is this motion which is debated more frequently than anything else in the House of Commons. Of course these debates have usually nothing to do with the advisability or otherwise of adjourning. They are concerned with all kinds of topics, and 'the adjournment' is simply a peg to hang them on. However, the practice has been severely restricted in recent times, and the use of the adjournment as a motion for general debate is now confined to the beginning of business, when it must be moved by a minister; to discussing a 'definite matter of urgent public importance' (q.v.); and to the last half-hour of each day's sitting from Monday to Thursday. As on these occasions the motion is quite unrelated to the subject of the debate, and there is no question before the House which, when voted on, will express its will and opinion in precise terms, the Government must draw its conclusions as to the feeling in the House from the general trend of the debate.

Members receiving an unsatisfactory reply to a question often announce that they will raise the matter 'on the adjournment', and subjects debated on adjournment motions have ranged from an alleged injustice suffered by a member's constituent to the conduct of the last War—a momentous debate which signalled the fall of the Chamberlain Government.

The use of the motion to obstruct the business of the House—the 'dilatory motion' (q.v.)—was common towards the end of the 18th century, but the Standing Orders now give the Speaker power to refuse to accept a motion for the adjournment if he thinks it is an abuse of the rules of the House. It is in any case now accepted that between separate Orders of the Day only a minister can move the adjournment.

Adjournments of both Houses have taken place as a token of respect at the passing of a distinguished person, particularly a member or ex-member. Franklin D. Roosevelt was the first foreigner to whom tribute was paid in this manner when the House of Commons adjourned on the day of his death, 12 April 1945.

Either House may be recalled prior to the day to which it stands adjourned if an earlier meeting is deemed to be in the public interest. In such circumstances the House of Lords and the House of Commons are summoned by the Lord Chancellor and the Speaker respectively. The former, as a member of the Government, acts in consultation with the Government, whilst the latter takes action when the need for recalling Parliament is represented to him by the Government.

The adjournment of the House should be distinguished from the adjournment of the debate. A debate may be adjourned at any time,

except while another member is speaking, but if a motion to adjourn the debate is defeated or withdrawn no similar motion may be moved subsequently unless some other motion has intervened. The mover and seconder of a defeated motion to adjourn the debate lose their right to speak in the debate itself, and are not permitted to move a similar motion subsequently. Conversely, a member who has already spoken in the debate loses the right to move or second its adjournment, unless he makes the motion during the course of his speech. If the Speaker considers a motion to adjourn the debate to be an abuse of the rules of the House he may refuse to accept it or he may put the question to the House without debate. A motion to adjourn the debate may not be made while a motion to adjourn the House is being discussed.

## ADMINISTRATION OF THE HOUSE OF COMMONS

*See sub-heading under HOUSE OF COMMONS.*

## ADMIRALTY, FIRST LORD OF THE

*See FIRST LORD OF THE ADMIRALTY.*

## ADMONITION

*See PRIVILEGE, BREACH OF; REPRIMAND AND ADMONITION.*

## AFFIRMATION

Instead of taking the oath on taking his seat in the House of Commons a member, or in the House of Lords a peer, may make affirmation. The form used in this case is: 'I do solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law.' The right to make affirmation is given by the Promissory Oaths Act, 1868. The Oaths Act, 1888, which gave a similar right to atheists, resulted from the objections to Bradlaugh (q.v.) making affirmation. The Quakers and Moravians Acts of 1833 and 1838 allowed persons of those persuasions to make a 'solemn affirmation or declaration instead of taking an oath'.

## AGRICULTURE AND FISHERIES, MINISTER OF

An Act of 1889 set up a Board of Agriculture consisting of the Lord President of the Council, the Secretaries of State, the First Lord of the Treasury, the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary of State for Scotland. The board was to promote the general welfare of agriculture and to publish information and statistics relating thereto. It also took over the work of a Privy Council Committee concerned with animal diseases, and the functions of the former Land Commissioners in relation to tithe

## Aircraft Production, Minister of

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commutation, copyholds, inclosures, allotments, and land drainage and improvement. Under an Act of 1903 the board took over the administration of fisheries from the Board of Trade, and became the Board of Agriculture and Fisheries, and in 1919 it became a Ministry. In 1944 the Minister established a National Agricultural Advisory Service for the purpose of giving free advice and instruction on agricultural matters, and he himself can be advised by several semi-independent boards, such as the Wheat Commission, the Agricultural Wages Board, and the Herring Industry Board. In October 1951, the policies of the Ministries of Food and of Agriculture were placed under the supervision and co-ordination of the Lord President of the Council, but in 1954 the two ministries were incorporated. The Minister is usually a member of the Cabinet, and his salary is £5,000 a year. He is assisted by two joint Parliamentary Secretaries with salaries of £2,500 each. All three, if they sit in the House of Commons, are entitled to draw an additional £750 of their parliamentary salaries.

A chronological list of holders of this office appears as Appendix 9.

## AIRCRAFT PRODUCTION, MINISTER OF

Created in 1940, the post of Minister was first held by Lord Beaverbrook, followed by Lieut.-Col. Moore-Brabazon (afterwards Lord Brabazon), Col. The Rt. Hon. J. J. Llewellyn (afterwards Lord Llewellyn), Sir Stafford Cripps, A. E. Brown, and John Wilmot. The office was abolished early in 1946 following the general reorganization of Government which took place at the end of the War. The functions of the Minister were transferred to the Minister of Supply, the merging of the two Ministries having been forecast from the time the Labour Government took office, when they were put under one Minister, John Wilmot.

## AIR FORCE ACT

*See ARMY ACT.*

## AIR MINISTER

The office and the Ministry of the Secretary of State for Air was created by the Air Force (Constitution) Act of 1917 to administer the Royal Air Force, the first Secretary being Lord Weir. The Air Navigation Acts, 1920-36, also assigned civil aviation to the Air Ministry, but in 1945 it was taken over by the new Ministry of Civil Aviation. The Secretary of State for Air is President of the Air Council, and is also responsible for the R.A.F. Regiment and the Air Training Corps. Since the establishment of the Ministry of Defence this Minister has been excluded from the Cabinet, the viewpoint of the armed services being represented in the Cabinet by the Defence Minister (q.v.).

The Air Minister's salary is £5,000 per annum, plus an additional



£750 if he sits in the House of Commons. A chronological list of the holders of this office appears as Appendix 10.

## ALBERTA LEGISLATIVE ASSEMBLY

Alberta formed part of the Canadian North-West Territories until 1905, when the Province was created. The Government is composed of the Lieutenant-Governor, the Executive Council, and the Legislative Assembly. The latter has 61 members elected for five years on an adult suffrage, 13 of whom form the Executive Council or Cabinet under the presidency of the Premier. The Province sends 6 Senators and 17 members to the Canadian Parliament. Alberta's magnificent Legislative Building of classic design was not completed when the first session of the Assembly was held there in 1911. It is of cruciform shape with a main rotunda, each wing being 130 feet long.

## ALLOCATION OF TIME ORDERS

*See* GUILLOTINE.

## ALLOTTED DAYS

*See* SUPPLY DAYS.

## ALMON, JOHN (1737-1805)

The compiler of the Parliamentary Register, a monthly record of the proceedings of Parliament which was commenced in 1774. He subsequently compiled a summary of the debates from 1742 up to the beginning of the Parliamentary Register. Almon's Debates are one of the main sources from which Cobbett and Wright compiled the Parliamentary History (q.v.).

## ALTERNATIVE VOTE

*See* PROPORTIONAL REPRESENTATION.

## AMENDMENT

A motion before the House may be agreed to or negatived as it stands, or it might be agreed to if it were altered in some way. This is done by moving an amendment (a subsidiary motion) which may be one of three classes. It may be designed to alter the motion by (1) leaving out certain words, (2) by adding or inserting certain words, or (3) by leaving out certain words and adding or inserting others. Amendments can be proposed at any stage of a debate, but the Speaker or Chairman is more likely to refuse an amendment, which they have power to do, if it is not written out and handed in before the debate commences.

When the proposed amendment is to leave out certain words, the Speaker says, 'The original question was . . .' (stating the question at

## Amendment

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length), since which, an amendment has been proposed to leave out the words . . . ' (which are proposed to be omitted). He then puts the question, 'That the words proposed to be left out stand part of the question'. If that question is resolved in the affirmative, it shows that the House prefers the original question to the amendment, and the question, as first proposed, is put by the Speaker. If, however, the question 'That the words stand part' is negatived, the question is put with the omission of those words, unless another amendment is then moved for the insertion or addition of other words. That words should 'stand part' of a question has often led to some confusion, and it must be remembered that in the above case the amendment is lost if the question is agreed to, because the words which are proposed to be left out are ordered to 'stand part' of the question. This difficulty is overcome in the House of Lords by putting the question 'That this amendment be agreed to,' and in the Australian Parliament by the question 'That the words proposed to be left out be left out'. Although these two forms may sound simpler, the House of Commons question has the advantage in that no further amendments can be put to that portion of the question which it has been decided should 'stand part'.

In the case of the second type of amendment referred to, the question is merely put that the proposed words 'be there inserted' or 'added'. If this is negatived, the question is put as it originally stood unless further amendments are proposed. With the third type, by far the most common, proceedings begin in the same manner as the first, and if the House resolves that certain words shall not stand part of the question, the next question proposed is that the words proposed to be substituted 'be inserted (or added) instead thereof'. This latter question, being resolved in the affirmative, the main question, so amended, is put. So that after amendments have been disposed of, the question itself remains to be put, upon which each member votes as if no amendment whatever had been proposed—the rejection of an amendment does not constitute a final decision upon the original motion.

Amendments to amendments can be moved, but not if they propose to leave out all the words of the original amendment—if that is desired the first amendment must be negatived before the second can be offered. In the same way an amendment to the original question cannot propose to leave out all the words, and the initial word 'That' must, at least, be retained. In this case the rule that the debate must be restricted to the amendment is not adhered to, as the amendment and the motion are before the House as alternative propositions. Amendments must be moved after a question has been proposed by the Speaker and before it has been put, and must be intelligible and relevant to the question. The matter of relevance is modern practice—in 1831 an amendment was moved for the production of papers on the state of Poland to the

question that the Speaker leave the Chair for the Committee on the Reform Bill.

*See also* BILL, PASSAGE OF; CONSEQUENTIAL AMENDMENT; REASONED AMENDMENT; SELECTION OF AMENDMENTS.

## AMENDMENTS, CONSIDERATION OF

*See* BILL, PASSAGE OF.

## AMENDMENTS, SELECTION OF

*See* SELECTION OF AMENDMENTS.

## ANCILLARY MOTION

This kind of motion is dependent on an Order of the Day, e.g., that a Bill be read a second time, or that the House agrees with the report of a committee. Only the prescribed form of words may be used in moving an amendment to an ancillary motion, and if the object is to secure the rejection of a Bill, the formula is 'That the Bill be read a second time' (or whatever stage has been reached) 'upon this day six months'. Ancillary motions do not require notice or a seconder, and the mover has no right of reply.

## ANNE (1665-1714) AND PARLIAMENT

Queen Anne, the last monarch of the House of Stuart, ascended the throne on 8 March 1702, and was crowned on 23 April. Her reign was a distinguished one in many respects, but politically it was coloured by violent party strife and intense intrigue. Anne herself was a woman of many virtues, but she was largely ruled in public affairs by her favourites, notable amongst whom were the Duchess of Marlborough and (after the Duchess's fall from favour) Abigail Masham. The greatest legislative achievement of the reign was the Act of Union with Scotland.

Prior to the reign of William III a Parliament automatically ceased to exist upon the death of the Sovereign, but an Act of that reign had provided for a continuation of Parliament for a period of six months after the demise of the Crown. Consequently, the last Parliament of William III was the first in history whose life extended into the following reign. In her first speech to Parliament on 11 March the Queen dwelt upon the proposed Union with Scotland and the prosecution of war against France and Spain, and declared that she knew her heart to be entirely English'. After her coronation she named as her successor the Princess Sophia of Hanover, in accordance with the Act of Settlement (q.v.). The members of both Houses were sworn as required by the Abjuration Act, and Anne was voted the same revenue as that received by her predecessor, in return for which she announced her intention of applying £100,000 from the Civil List

## Anne (1665-1714) and Parliament

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to the needs of the public service. War was declared on France and Spain, after which Parliament was prorogued on 25 May and dissolved on 2 July.

The first elections of the reign gave the Tories a majority in the House of Commons. The current trend of religious feeling tended towards High Church principles, an outlook which was reflected in the composition of Anne's first Parliament, which met on 20 October 1702. The Queen herself showed pronounced High Church sympathies in making her first ecclesiastical and government appointments, although Godolphin was appointed Lord Treasurer. She dismissed from his office of Lord Almoner the Bishop of Worcester, who had been accused of interfering unduly with the election of the successful Tory candidate for that county. Although church matters assumed some importance in this Parliament, the war necessarily claimed its first attention, and the necessary forces and supplies were voted. The Earl of Marlborough, who had already achieved brilliant military successes, was rewarded by the Queen with a dukedom and a pension of £5,000 a year during her own lifetime. It was her wish to settle this pension in perpetuity upon the title, but she was balked in this desire by the opposition of the Commons.

The most contentious measure of the session was the Occasional Conformity Bill, which was designed to prevent Dissenters from complying with the provisions of the Test Act in order to qualify for certain offices. Although supported by the Queen, this obnoxious measure was rejected by the Lords no less than three times before it was eventually passed in 1711, only to be repealed in 1719. The Prince Consort's Annuity Bill also gave rise to friction between the two Houses, as the Commons sent it up to the Lords with an additional clause exempting the Prince from the disability imposed upon foreigners by the Act of Settlement. This device of tacking a non-financial provision upon a Money Bill in order to overcome any anticipated opposition from the Lords had long been objected to in the upper House, where a Standing Order had been introduced condemning the procedure as unparliamentary and unconstitutional. The Commons had found in this method an effective means of getting their own way, for the Lords would have been compelled to reject a Bill in its entirety in order to get rid of the 'tack', and would thus have placed themselves in the embarrassing position of withholding supplies from the Crown. During the session of 1704 the two Houses were again brought into conflict over the Aylesbury election case. An elector who had brought an action against the Returning Officer who had rejected his vote obtained a verdict at the county assizes which was set aside by the Court of Queen's Bench on the ground that such a dispute could only be decided by the House of Commons. The matter was referred by writ of error to the House of Lords where the order of the Court of

Queen's Bench was in turn set aside. At this the Commons became highly indignant, declared that the elector had been guilty of breach of privilege in bringing the action in the first place, and after further developments had taken place, committed him and others associated with him to prison. The prisoners moved for a writ of *habeas corpus* but the Court of Queen's Bench decided that it had no jurisdiction in the matter. This question was also brought before the Lords by writ of error, the Queen having rejected an address from the Commons praying that a writ of error should not be granted. Upon this the Lords agreed to a number of important resolutions directed against the Commons, amongst which the right of an imprisoned person to a writ of *habeas corpus* under any circumstances was upheld, and the right of either House to create any new privilege for itself was denied. The issue was never resolved conclusively as Parliament was shortly afterwards prorogued.

The year 1704 was notable for the inauguration of the fund known as Queen Anne's Bounty. It was created for the benefit of the poorer clergy and consisted of that part of the royal revenues arising from the First Fruits and Tenths which were originally paid to Rome. The income amounted to £17,000 a year, which Parliament supplemented with an annual grant of £100,000. Important ministerial changes which took place during this year brought Robert Harley, the Tory Speaker of the House of Commons, and Henry St. John, another Tory who had promoted the Occasional Conformity Bill, into the Government. Anne's first Parliament met on 29 October for its final session, and before its dissolution Marlborough won his great victory at Blenheim. The Duke received further rewards at the hands of the Queen and Parliament voted further substantial supplies for the prosecution of the war.

The elections of 1705 returned a Whig majority to the House of Commons and marked the beginning of a temporary Whig ascendancy. The leading Tories in the House of Lords incurred the extreme displeasure of the Queen by supporting a proposal that the heir presumptive to the throne should be invited to live in England. The suggestion was repugnant to Anne, as the Tory leaders well knew, and the remarks of Buckingham when speaking in support of it were such as to give grave personal offence to the Queen. Two measures affecting the succession were passed, however: an Act for the naturalization of the Princess Sophia and her issue (with a clause excluding anyone of the line who should embrace the Roman Catholic faith) and a Regency Act which provided for certain steps to be taken immediately on the death of the Queen. The trouble-making tactics of the Tories, which included a campaign designed to awaken alarm for the safety of the Church of England, embarrassed the Government so severely that the Queen was persuaded by her Whig ministers to remove their

leaders from the Privy Council. Sunderland had been appointed Secretary of State in place of the Tory Hedges, and the promotions and peerages of the year 1706 were mainly in favour of the Whigs. Party strife was at this time very bitter but on the issue of the war there was fortunately unity. Marlborough's victory at Ramillies was received with great acclaim, supplies were quickly voted and a Bill was passed settling a pension of £5,000 a year from the Post Office revenue upon the Duke and his successors for ever.

The Act of Union with Scotland came into force on 1 May 1707, and the first Parliament of Great Britain met on 23 October. It pledged its support for the war and voted enormous supplies, but a ministerial crisis was soon to follow, resulting in the resignations of Harley and St. John. The latter was succeeded by the celebrated statesman Robert Walpole, then the most promising of the younger Whigs, and Somers was later brought into the Government as Lord President of the Council. With Godolphin still at the head of the Treasury the Whigs were now firmly installed in the Government.

On 20 October 1708 the Prince Consort died, and in the following January the two Houses prepared an address recommending a second marriage to the Queen. It was not well received by Anne, who, in her reply, pointed out that the Protestant succession was fully secured and concluded: 'The subject of this address is of such a nature that I am persuaded you do not expect a particular answer.'

The tide of events now began to turn against the Whigs, and their downfall was hastened by the impeachment of Dr. Sacheverell. This very High Church minister had preached a fanatical sermon in which he had bitterly denounced the Whig ministry, and on the instigation of Godolphin and Sunderland he was brought to trial in Westminster Hall. He was found guilty and suspended for three years, but popular sympathy was on the side of Sacheverell and the Queen herself was favourably disposed towards him. The breach between the Queen and her Whig ministers widened shortly after this incident. She completely broke with her former favourite, the Duchess of Marlborough, and under pressure from the Tories she dismissed Godolphin and Sunderland from office. Harley was now called upon to form a ministry, and failing to secure any Whig support he formed a Government consisting entirely of Tories. On 21 September 1710 Parliament was dissolved, and a Tory majority was returned to the House of Commons at the ensuing elections. In the House of Lords also the Tory position was strengthened by the election of Tory peers to represent Scotland. The Property Qualification Act was introduced during the session of 1711, a measure by which ownership of land became an essential qualification for a Member of Parliament, and which remained in force until 1858. The same year saw the origin of the catastrophic South Sea scheme.

When Parliament met on 7 December 1711, the Queen announced the opening of peace negotiations. Harley had already taken the initiative in approaching the French some twelve months previously, and his popularity at home had been greatly strengthened by the attempt upon his life earlier in the year. But although there was considerable support in Parliament for the proposed articles of peace, bitter opposition came from Marlborough, Nottingham, Sunderland, and a majority of the peers, who carried an amendment against the Government by 62 votes to 54, and from a substantial minority in the House of Commons, where a similar amendment was defeated by 232 to 106. The Government was thus severely embarrassed, and realizing that drastic action alone could save them they resolved to strike at Marlborough. Accordingly they acted upon a report from a commission on public accounts which accused the Duke of receiving unauthorized payments. Marlborough protested that the payments complained of were no more than his rightful dues, but the Queen accepted the report of the commission and dismissed Marlborough from all his offices on the last day of the year. On the same day she created twelve new Tory peers to provide the Government with a majority in the upper House, one of them being the husband of her favourite, Abigail Masham.

The peace negotiations proceeded in the face of the spirited and undaunted opposition of Marlborough and his supporters, and on 31 March 1713 the Peace of Utrecht was concluded. Amongst other things the treaty provided for recognition of the Protestant succession in England, the expulsion of the Pretender from France, a permanent severance of the Crowns of France and Spain, and the acquisition by Great Britain of Newfoundland, the Hudson's Bay Territory, and Gibraltar. Shortly after the conclusion of the peace dissension broke out within the Tory ministry on the question of the succession. Bolingbroke supported a Stuart restoration but Harley, now the Earl of Oxford, was pledged in favour of the House of Hanover. A breach between the two ministers developed, and the former, determined to overthrow the Lord Treasurer, promoted an extreme High Church measure which became known as the Schism Act, knowing that Harley could never be induced to accept it. The conflict resulted in the dismissal of Harley, and Bolingbroke would have appeared to have triumphed, but the Queen was suddenly stricken with her last illness and was persuaded before she died to appoint Shrewsbury, a staunch supporter of the Hanoverian dynasty, to the head of the Government.

Queen Anne died on 1 August 1714. A woman who had endured much private suffering, she had ever kept the welfare of her people close to her heart. Although by no means a born ruler her influence upon the age in which she lived may be justly described as a salutary one; and the achievements of her brief reign went far to merit the tribute implicit in the term Augustan Age.

### ANNUNCIATORS

Electrically worked indicators placed in rooms frequented by members in the House of Commons which show what the House is discussing, calls for and results of divisions, and the name of the member speaking. There are forty annunciators distributed throughout the building, and words up to a total of twenty-six letters can be shown at one time. They are under the control of a private company and have been in operation over fifty years.

### ANOTHER PLACE

In a bicameral legislature it is obvious that certain restrictions must be imposed upon comments made in one House upon the proceedings of the other, for an unguarded or a deliberately critical reference could well provoke something of a constitutional crisis. For this reason it has long been the rule in British Parliaments that a member of one House may make no reference at all to the proceedings of the other. For many years, however, members have found means of evading this rule by making veiled or indirect references to the other Chamber, with the result that it has become customary to refer to 'another place' when speaking of the other House. Nobody to-day objects to this practice and the rule against it is not rigidly enforced, but it is not permitted to refer to debates of the current session. Dispensations are granted in certain circumstances, for example, to ministers who find it necessary to refer to the debates of the other House in the course of an explanation.

### ANTICIPATION

It is recognized in all Parliaments that a member must not discuss matters which are the subject of a forthcoming debate. The House of Commons Standing Order No. 11 says: 'In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by Mr. Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.'

### ANTIGUA LEGISLATIVE COUNCIL

Under the new Constitution granted in 1951, the Legislative Council consists of the Administrator as President, *ex-officio*, 3 nominated, and 8 elected members. The Executive Council has 2 *ex-officio* members, 4 elected members of the Legislative Council elected by its unofficial members, and 1 unofficial from the nominated members. Three ministers are appointed by the Governor-in-Council for Trade and Production, Communications and Works, and Social Services. From 1871 to 1956 Antigua was a Presidency of the Leeward Islands Federation. This was abolished in 1956 and Antigua became a separate Colony and a member of the West Indies Federation in the same year.



## APPEAL COMMITTEE

A committee appointed by the House of Lords every session to consider matters relating to petitions for leave to appeal to the upper House in its judicial capacity. Normally it is attended only by the Lords of Appeal in Ordinary, although it is deemed to consist of all the peers present during the session. Three peers form a quorum.

## APPELLATE COMMITTEE

A committee appointed every session by the House of Lords consisting of the Lords of Appeal (q.v.), to which are referred for hearing all appeals which come before the upper House. The delegation to it of the judicial work of the House, to which the committee reports its decisions, leaves the House of Lords free to proceed with its legislative and other business.

*See also* HOUSE OF LORDS.

## APPLAUSE IN PARLIAMENT

'Hear, Hear' is the traditional parliamentary expression for the purpose of applauding a speech, approving a sentiment, or welcoming back after a successful mission or a long illness a prominent Member of Parliament. Its use is not limited to the confines of either House, however, as on certain public and royal occasions decorous cries of 'Hear, Hear' have been heard issuing from the stands occupied by Members of Parliament. The expression is an abbreviation of 'Hear him! Hear him!' which was in use at the beginning of the last century. In some Commonwealth Parliaments which have not adopted the benches of the British Parliament, applause is indicated by members rapping on their desks.

## APPROPRIATION ACCOUNTS

*See* COMMITTEE OF PUBLIC ACCOUNTS.

## APPROPRIATION ACT

The annual statute which gives legal force to the main Estimates (q.v.) after they have been agreed to in Parliament. The passing of the Act is generally the last financial business of the session. It is introduced in the House of Commons as the Consolidated Fund (Appropriation) Bill, and differs from other Consolidated Fund Bills in that it contains schedules, which to a great extent reproduce the main Estimates, specifying the purposes for which the money is to be used (hence Appropriation Act). Like Consolidated Fund Acts (q.v.) the Appropriation Act also authorizes the Treasury (q.v.) to borrow money in anticipation of revenue, the amount which may be borrowed being equal to the total sum of the money appropriated. The Act also authorizes

## Appropriations-in-aid

the service departments, to make use of the power of 'virement', whereby money assigned to one vote may be transferred to meet the expenses of another vote. The civil departments are not given this power, their expenditure being of a more stable nature, but they are permitted to transfer money between items within a vote.

The Appropriation Act is an Act to grant aids and supplies to the Crown, and its enacting formula expresses the predominance of the Commons in matters of finance, and runs as follows.

Most Gracious Sovereign, We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:—

The formula is the same in the case of Consolidated Fund Acts.

The Consolidated Fund (Appropriation) Bill and all other Consolidated Fund Bills, having completed their passage through both Houses, remain in the custody of the House of Commons until they are presented for the Royal Assent (q.v.). When this ceremony takes place they are carried to the Lords by the Clerk of the House of Commons, handed to the Clerk of the Parliaments by the Speaker, and receive the Royal Assent before all other Bills. The Royal Assent to all Bills for granting aids and supplies to the Crown is signified in the words, '*La reine remercie ses bons sujets, accepte leur benevolence, et ainsi le veut*'.

Consolidated Fund Bills provide opportunities for general debates on financial policy limited only by the various purposes for which the Bills seek to provide money. They are also exempted from the Standing Order which provides that Bills founded on resolutions of a Committee of the Whole House may not pass through more than one stage in any one day. Like the Finance Bill they constitute 'Exempted Business' (q.v.), and debates on their various stages are not subject to interruption under the automatic adjournment or Ten o'clock Rule (q.v.).

See also ACT OF PARLIAMENT; FINANCE ACT.

## APPROPRIATIONS-IN-AID

See ESTIMATES.

## ARCHBISHOPS

See LORDS SPIRITUAL.

## ARMY ACT

Until 1955 legislative provision for the Army was based on the Army Act of 1881. The Air Force Act which governed the junior service was in reality the Army Act as modified by the Air Force (Constitution) Act, 1917. Both these statutes were kept in force by a regular Army and Air Force (Annual) Act, which extended the application of the main legislation for a further period of twelve months and provided for such amendments as the current circumstances required. Provision for the Navy was, and still is, provided for by permanent statutes.

Until 1879 the whole code of military law was temporary, being re-enacted each session by a Mutiny Bill. In that year a permanent Act, the Army Discipline and Regulation Act, was passed, but in order to secure the right of Parliament to give or withhold its consent to a standing army, it also provided that the permanent Act is inoperative unless brought into force by an annual Act. The Army Act, 1881, was a consolidation of the Act of 1879 and the subsequent Acts amending it. It was the practice to introduce the Army and Air Force (Annual) Bill after the House had agreed to the resolutions voted in Committee of Supply determining the size of the armed forces for the coming year.

In 1952, during the debate on the Army and Air Force (Annual) Bill of that year, the inadequacy of the outdated legislation was discussed at length, and both sides of the House agreed that it was in need of revision. A Select Committee was therefore appointed 'to consider the Army Act and the Air Force Act, and to make recommendations for the amendment thereof; and to consider and report on the advisability of enacting the said Acts or parts thereof permanently'. The committee was given the usual power to send for persons, papers, and records, and was further empowered to communicate with the Departmental Drafting Committee appointed to assist them by the War Minister and the Air Minister. After detailed and extensive investigation, during the course of which a number of expert witnesses were examined, the committee reported in 1954, including with the report the proposed drafts of a new Army Bill and Air Force Bill.

The revised Bills were introduced into the House on 14 December 1954, and became Acts of Parliament in 1955. As recommended by the Select Committee both provide for the annual renewal of the Acts by Order in Council, but not beyond a period of five years from the date on which they come into operation unless Parliament otherwise determines. Parliament thus has the opportunity of reviewing the main legislation every five years should it so desire. Every such Order in Council must be laid before Parliament in draft and approved by resolution of each House.

## Army and Air Force (Annual) Act

## ARMY AND AIR FORCE (ANNUAL) 'ACT

*See* ARMY ACT.

## ARREST, FREEDOM FROM

*See* PRIVILEGE.

## ASSENT, ROYAL

*See* ROYAL ASSENT.

## ATTAINDER, ACT OF

*See* ACT OF ATTAINDER.

## ATTENDANCE OF MEMBERS

The attendance of members is now controlled by the party Whips (q.v.), but before this pressure was brought to bear many efforts were made to compel early and full attendance at the House of Commons. Acts were passed in 1382 and 1515 enforcing attendance, and penalties for absence were sometimes imprisonment, but more frequently fines or the forfeiture of the member's 'wages'. During the first half of the 17th century several attempts were made to ensure punctuality by imposing fines on members arriving late, and one of these is described by D'Ewes. 'A motion made,' he says, 'as I came in, that such members as should not come up by eight, and be at prayers, should pay a shilling. Divers spake against it; but the greater number being for it, it passed.' Very little, however, as it would seem, to the benefit of Mr. Speaker, seeing that next morning he did not make his appearance till a quarter to nine. 'The House by this time,' D'Ewes remarks, 'was very full at prayers, by reason of the order made yesterday. Sir H. Mildmay, after prayers, stood up and said he was glad to see this good effect of yesterday's order, and said to the Speaker that he did hope that hereafter he would come in time; which made the Speaker throw down twelvepence upon the table. Others as they came in did each pay his shilling to the Serjeant. I spake to the orders of the House: That the order made yesterday was to fine "after" prayers, and therefore you (I spake to the Speaker) cannot be subject to pay; and for coming a little after eight, that was no great difference. Although I spake truly, the Speaker, having cast down his shilling, would not take it up again.'

The infliction of fines seems to have ceased towards the close of the 17th century in England, but they are still inflicted in some Parliaments of the Commonwealth. In Ontario, for example, a fine of \$15 is inflicted upon a member for every day he is absent without leave or without a valid excuse. In New Zealand a member is held to be guilty of contempt if he is absent without leave for more than seven consecutive sitting days. In Ceylon a member's seat is declared vacated if he fails to attend the House for three consecutive months.



The question of attendance of Members of the House of Lords is dealt with in a Report by a Select Committee on the Powers of the House (of Lords) in Relation to the Attendance of its Members which was published as a House of Lords Paper in 1956.

*See also* CALLING THE HOUSE.

### ATTORNEY-GENERAL

*See* LAW OFFICERS OF THE CROWN.

### AUDITOR GENERAL

*See* COMPTROLLER AND AUDITOR GENERAL.

### AUSTRALIAN PARLIAMENT

Although the first Federal Parliament of Australia met in 1901, agreement as to the site of the federal capital was not reached until 1909, and the first Parliament was not held there until eighteen years later. Until then the Federal Parliament met in Melbourne. The total area of the Australian Capital Territory, originally part of New South Wales, is 913 square miles, of which about 20 square miles was reserved for the federal capital, Canberra. The Australian Parliament's powers are limited and enumerated, the State Parliaments retaining the residuary power of government over their respective territories (in Canada it is exactly the opposite), but a federal law prevails where it is inconsistent with a state law. However, the Governor-General of Australia cannot disallow state laws as the Governor-General of Canada can disallow laws made by the provincial Parliaments. The Federal Parliament's main concerns are external affairs, foreign and inter-State trade and commerce, taxation, postal services, defence, currency and coinage, banking, aliens and naturalization, social services, railways, and customs and excise. It has an upper House, the Senate, and a lower House, the House of Representatives, and since the 1949 elections the membership of both has been nearly doubled. There are now 60 Senators (36 from 1901 to 1949), 10 from each State, while the number of members of the House of Representatives to be elected in the six States is determined on a population formula contained in the Constitution. Senators are elected for six years, half of them retiring every three years, and members of the lower House for three years, the maximum life of a Parliament. From the next General Election (ordinarily due in 1957) there will be 122 members of the lower House (74 before 1949), which includes 46 from New South Wales, Victoria 33, Queensland 18, South Australia 11, Western Australia 9, and Tasmania 5. In addition to these members, there are 2 more representing the Northern Territory and the Australian Capital Territory (territories administered by the Commonwealth) who come under a curious category. Owing to the small number of electors in these territories

## Australian Parliament.

they have only restricted rights and may vote only on motions for the disallowance of ordinances relating to their own territories, although they may take part in debates. They do not count towards a quorum, and are incapable of being chosen as Speaker or Chairman. The Northern Territory has been represented in this manner since 1923, the Australian Capital Territory from 1950.

Qualifications for the Commonwealth franchise are possessed by any British subject over twenty-one who is not disqualified on racial grounds and who has lived in Australia for six months continuously. For those who thus qualify, voting is compulsory. The system of voting for the House of Representatives is preferential, and for the Senate, since the passing of the Commonwealth Electoral Act of 1948, proportional representation.

The traditions and customs of the British Parliament have not always been observed in Australia—for instance, Labour Speakers have refused to wear the usual robe of office, have continued to play an active part in party politics and have participated vigorously in debates when the House was in committee. The immunity of the Speaker from electoral contests has never been conceded in Australia, and one Speaker was defeated at the election following an occasion when he refused to record his vote for the Government in a vital division.

Instances of House of Representatives' procedure which represent major variations from that of the House of Commons are:

(1) There is no Standing Committee system for consideration of Bills. All Bills are dealt with by the Committee of the Whole House. The Chair is not vested with power to select amendments.

(2) Very few Private Members' Bills are introduced.

(3) No provision is made for Private Bills.

(4) The Standing Orders provide for—

(i) Time limits for speeches.

(ii) Secret ballots for election of Speaker and Chairman of Committees (if two or more members are nominated).

(iii) Challenge of Speaker's and Chairman's rulings.

(iv) Divisions to be taken within the Chamber—members sitting on either the right or left of the Chair.

(v) Third reading of Bills proposing an alteration of the Constitution to be passed by an *absolute* majority of all members.

(5) No provision is made for an automatic adjournment.

(6) Each day, soon after the commencement of proceedings, a period of questions *without notice* is conducted. This may continue from half an hour to an hour.

(7) Estimates are always presented after the commencement of the financial year (1 July to 30 June).

The Budget speech is made in Committee of Supply.

Consideration of the Estimates is not proceeded with until the Budget debate is concluded.

Separate Bills are required for each form of taxation (constitutional requirement).

(8) The House has no power similar to that provided under the United Kingdom Parliament Acts. Bills must be passed by both Houses before presentation for the Royal Assent.

(9) In the event of disagreement between the Houses, provision is made for conferences of Managers appointed by each House. In the case of a deadlock, both Houses are dissolved by the Governor-General in accordance with Section 57 of the Constitution, and the new Parliament may hold a joint sitting of both Houses if disagreement continues. A double dissolution has been proclaimed twice since the inception of the Commonwealth—once in 1914 and again in 1951.

The Cabinet inherits directly the traditional place of the Cabinet in Britain, but the usual practice of the Prime Minister selecting his colleagues was abandoned by the Labour Party, which balloted for all Cabinet offices at caucus meetings. In a small House the proportion of ministers must be large, and in Australia this raises many problems, including the difficulty of finding a sufficient number of men competent for Cabinet rank. All ministers were once in the Cabinet, but in January 1955 Australia adopted the British system, and now out of 22 ministers only 12 are in the Cabinet. There is an Executive Council, which is a purely formal constitutional agency, giving legal force to certain Cabinet decisions and appointments. It is presided over by the Governor-General, and all ministers are *ex-officio* members.

The broadcasting of debates is controlled by a Joint Committee of 3 Senators, including the President, and 6 members of the lower House, including the Speaker. The committee allocates the time given to each House—usually two days to the House of Representatives and one to the Senate in a sitting week—and questions are recorded and broadcast during the dinner adjournment.

Parliament House is a rectangular building covering about  $3\frac{1}{2}$  acres. The centre portion is the King's Hall, from which the Senate and the House of Representatives lie right and left respectively. This arrangement follows Westminster, where the House of Lords and the Commons occupy the same position in relation to the Central Hall. All the usual amenities are provided for members, including a post office and a barber's shop. The Parliamentary Library deserves special mention, because from it has developed the great National Library of Australia.

# B

## BACK-BENCHER

The term applied to the 'private member' who does not hold any ministerial office. He occupies a back bench, the front benches being reserved on the Government side for ministers and parliamentary secretaries, and on the other side for the leading members of the Opposition.

## BADGE MESSENGER

House of Commons messengers are thus called because of their silver-gilt badge of office which are suspended from a chain round the neck. These badges consist of the royal arms beneath which is hung a figure of Mercury, and some of them date from 1755. The Southern Rhodesian Parliament adopted a similar badge for its Chief Messenger in 1928. A visitor who wishes to see a Member of Parliament at the House fills in his name and business on a green card, and these cards are taken round the building by a badge messenger, to whom no doors are barred, until the member is found.

## BAHAMAS PARLIAMENT

Discovered by Columbus in 1492, the Bahamas were already regarded as British less than a hundred years later. They were included in Royal Grants in 1629, to the 'Eleutherian Adventurers'—a company formed in London to colonize the islands—in 1647, and again in 1670 when Charles II vested the Bahamas in 6 Lords Proprietors. Their Charter provided for an elected House of Assembly, and the Constitution, much as it exists to-day, was finally settled in 1729, when the Crown assumed direct control of the Colony. The two bicameral legislatures of the Bahamas and Bermuda are the only surviving examples in the Colonies of the old representative system which existed before Crown Colony government was introduced. The lower House of the Bahamas, the House of Assembly, has 29 members elected for seven years, the normal life of the House. The franchise is limited to males, with a very low property qualification. The upper House, the Legislative Council, consists of 9 members nominated by the Crown. It was created as a separate Council by letters patent in 1841. The Bahamas have representative but not responsible government and the Governor, advised by an Executive Council, has the power of veto and the right to enact certain subsidiary legislation.



## BALLOT

*See* PRIVATE MEMBERS' BILLS; PRIVATE MEMBERS' TIME.

## BALLOT ACT, 1872

This Act was passed to make elections free from corrupt influences by substituting a secret ballot for open voting. As passed it was of temporary duration, but was extended by the Expiring Laws Continuance Acts and made permanent by the Representation of the People Act, 1918. The Act also included detailed rules for the holding of parliamentary and municipal elections, the duties of Returning Officers and penalties for election offences. This Act also removed the distinction between county and borough members as 'Knights of the Shire', 'Citizens of the City', or 'Burgesses of the Borough', all representatives being grouped as 'Members of the House of Commons'. South Australia first introduced the secret ballot in 1856.

## BARBADOS PARLIAMENT

As early as twelve years after its settlement by the British in 1627 Barbados had its elected House of Burgesses to advise the Governor and his Councillors on the administration of the island. This House soon became a body possessing the right to initiate legislation, and Barbados has retained a large measure of self-government ever since. It was so far independent by the time of the struggle between King and Parliament that it decided to remain neutral during the Civil War. Although Cromwell subdued the island he was anxious to avoid any decline in its main product—sugar—and in 1652 his Parliament agreed 'that no taxes, customs, imports, loans or excise shall be laid, nor levy made on any inhabitants of this island without their consent in a General Assembly'. Charles II placed a brake on the rapid constitutional development of Barbados by assuming proprietorship and exacting a tax of 4½% on all its exports, and in 1663 the Governor dissolved the Assembly and legislated through ordinances made in Council. He was forced to issue new writs for an Assembly in 1665, and in 1710 it was finally ruled that the Assembly had sole right to the executive power in the matters of finance within the island. The growth of Boards or Committees of the Legislature which acted as government departments to spend the money voted by themselves caused the Colonial Office to create an Executive Council in 1876 to advise the Governor on the island's administration. The Assembly tried to retain its control of finance, but in 1881 an Executive Committee consisting of 4 members of the Assembly and 1 member of the Legislative Council was appointed to sit with the Governor and Executive Council to initiate legislation on all matters of supply and the general welfare of the island. With the growth of party politics, Governor Busha in 1946 was

## Barebones Parliament

responsible for 4 members of the majority party being selected to form the Executive Committee, and this was the forerunner of the ministerial government inaugurated in 1954. Policy is now dictated by the Prime Minister and 4 Ministers of the Crown chosen from the majority party who sit in the Executive Committee (or Cabinet), the other members of which have taken on the rôle of advisers. The House of Assembly has 24 members, elected on an adult franchise since 1951, and the upper House, the Legislative Council, has 14 nominated members, although there is no limit to its membership. There is also an Executive Council dealing with high matters of state composed of the Governor, the Premier, the President of the Legislative Council, and 2 official and 1 nominated unofficial members.

Procedure varies slightly in the House of Assembly from that of the House of Commons—for instance the second and third readings of Bills can be taken on the same day and immediately after each other, and there is seldom any third reading debate. There is no fixed time for the adjournment, and no guillotine when the House is in committee.

Since 1874 both Houses have occupied a wing of the Public Buildings. The Assembly Chamber has thirteen stained-glass windows with portraits of the Sovereigns of England from James I, in whose reign Barbados was claimed, and other windows with names of past Speakers and Presidents of the Council. Members sit round a horse-shoe table with a division between Government and Opposition. The mace was acquired in 1810. Barbados is a member of the West Indies Federation.

## BAREBONES PARLIAMENT

The Parliament of Nominees, also known as the Little Parliament, which was summoned by Cromwell on 4 July 1653, after his dismissal of the Long Parliament (q.v.). It consisted of 140 members, selected as being 'God-fearing men, who had given proofs of their fidelity, energy, and devoted zeal for the cause of God'. The Parliament received its strange nickname from one of its members, a staunch Puritan, who rejoiced in the name of Praise-God Barebone. The Parliament assumed the title of Parliament of the Commonwealth of England. The Speaker, Francis Rouse, was elected without ceremony and re-elected every month while the Parliament lasted.

The Barebones Parliament became the butt of much ridicule on account of its reforming zeal, in which it displayed little judgment. It eventually disagreed amongst itself over a scheme for the reorganization of the Church, and on arriving at a deadlock the minority, which included the Speaker, succeeded by a cunning artifice in causing the Parliament to resign its powers to the Lord General, Cromwell. On 12 December, the minority assembled early and resolved to terminate the Parliament and surrender its authority, and headed by the

Speaker they proceeded to Whitehall where they signed an instrument of abdication.

*See also* CROMWELL AND PARLIAMENT

## BAR OF THE HOUSE

Members are not allowed to speak outside the Bar, which consists of two rods which can be drawn across the end of the benches to form the boundary of the House of Commons opposite the Speaker's Chair. Members may stand in the space between the Bar and the Door of the House, but if they cross the Bar they must take their seats. The House has authority to call persons indicted for breach of privilege to the Bar of the House, and either as culprits or suppliants many well-known historical figures have been seen there, accompanied by the Serjeant-at-Arms with the Mace. Until 1772 those who had incurred the displeasure of the Commons were made to kneel at the Bar, but after that they were allowed to stand. Perhaps the House was moved to take this action by a remark made by Baldwin, who was arrested for publishing the proceedings of the House in 1771 and appeared at the Bar. On rising from his knees, after being censured, he said, as he brushed the dust from his clothes, 'What a damned dirty House!'. The Duke of Wellington was even given a seat when he came to receive the thanks of Parliament for his services in the Peninsular War. The Bar in the new Chamber of the House of Commons opened in 1950 was a gift from Jamaica.

Offenders who are called before the House of Lords also stand at the Bar of the House, likewise the Speaker and Members of the House of Commons when they attend an Opening of Parliament or to hear the Royal Assent (q.v.) given to Bills. The Lords have not for many years required a prisoner to kneel at the Bar, but although the custom has declined it has never been formally renounced by them.

## BARON

The ancient meaning, and even the derivation, of the word 'baron' is shrouded in obscurity. It may have meant a free man or a king's man, and it does not occur as a title of dignity in Saxon times. The Normans introduced it into England and changed the Anglo-Saxon thane into a baron, but it was some time before 'baron' implied a man of some particular distinction. The fact that 'baron' was not considered a title is shown by the British use of the word, whereby although it indicates a rank of the peerage, a baron is addressed as 'Lord X' and not 'Baron X'. Much controversy has arisen on the creation and continuance of baronies by tenure (the title being attached to the land or estates), but in the Berkeley case in 1811 the claim to such creation was finally disposed of. Since the 15th century the creation of a baron has generally been by letters patent, and not by the old writ of summons to

## **Barry, Sir Charles (1795–1860)**

the High Court of Parliament. The first instance of the present form of creation occurred in the reign of Richard II in 1387, when John Beauchamp de Holt was created Baron Kidderminster. A baron is styled 'Right Honourable' and addressed by the Sovereign as 'Right trusty and well-beloved cousin'. The mantles of barons are of crimson velvet edged with miniver, the cape fuſed with miniver pure, and powdered with two rows of ermine. The coronet is a plain circle of silver gilt, surmounted by six silver balls at equal distance. There are at present (1957) 534 barons.

## **BARRY, SIR CHARLES (1795–1860)**

The architect who designed the Houses of Parliament at Westminster. The building was constructed after the great fire of 1834 had destroyed its predecessor and the formal opening took place in 1852. In 1941 the House of Commons' Chamber was demolished by a bomb. The present Chamber, which was designed by Sir Giles Gilbert Scott, was opened in 1950.

## **BEAUCHESNE, ARTHUR (1876–)**

Clerk of the Canadian House of Commons from 1925 to 1949, and author of *Rules and Forms: a Treatise on Parliamentary Procedure*.

## **'BEHIND THE SPEAKER'S CHAIR'**

Informal parliamentary discussions between the parties often take place off the Floor of the House (q.v.) in that part of the Chamber 'behind the Speaker's Chair'. The term is frequently used in connexion with such conversations. The understandings arrived at on these occasions often have an important bearing on the conduct of official business.

## **BELLAMY'S KITCHEN**

The first attempt to provide any catering arrangements for M.P.s at Westminster was made by John Bellamy, the Deputy Housekeeper, in 1773. The House was then beginning to keep late hours, and as members found it inconvenient to leave the precincts of the House in search of refreshment, they persuaded Bellamy to provide them with food and drink, out of which he managed to make a very comfortable fortune. His famous Kitchen, described by Dickens in *Sketches by Boz*, continued under his son until the fire of 1834. When the new Houses of Parliament were built the catering was administered by a 'Kitchen Committee (q.v.) drawn from the Members of Parliament. The name 'Bellamy's' survives, however, in the New Zealand Parliament, where it is popularly applied to their refreshment department.

According to a story related by an old waiter of the House of Commons to Disraeli, soon after he entered Parliament, Pitt's last words

before he died were, 'I think I could eat one of Bellamy's pork pies.' It is only right, however, to emphasize the apocryphal nature of this story!

### 'BELOW THE GANGWAY'

The gangway cuts across the House of Commons Chamber about half-way down. The position 'below the gangway' is generally occupied by minority groups not attached to the two main political parties. Sir Winston Churchill, during his years of political exile, was accustomed to occupy a seat 'below the gangway'.

### BERMUDA PARLIAMENT.

Bermuda was taken possession of by Admiral Sir George Somers in 1609, and the first settlers arrived in 1612. They were given legislative powers by a charter granted by James I in 1615, which stated that Bermudans 'were to be considered as free denizens, with full enjoyment of all liberties, franchises and immunities as though abiding and born in England'. Having begun as the property of the Virginia Company, and subsequently of the City of London Company, Bermuda came directly under the Crown in 1684, although it is not a Crown Colony as its legislative powers were granted irrevocably and cannot be varied by Orders in Council.

The Bermuda legislature is the oldest in the British Colonies, and the first General Assembly met in 1620. Bermuda and the Bahamas, both of which have bicameral legislatures, are the only examples surviving in the Colonial Empire of the old representative system, where the upper House is entirely nominated and the representative character of the legislature lies in the lower House. Bermuda's upper House, the Legislative Council, consists of 3 official and 8 nominated unofficial members, the Chief Justice being the President. Until 1888 the Council only acted in an advisory capacity, but after that date this function was transferred to a separate Executive Council. The lower House, the House of Assembly, has 36 members elected for a term of five years. Women were given a vote, and permitted to seek election to the Assembly, by the Women's Suffrage Act of 1944. The qualification for the franchise was fixed at £60 worth of real estate after the abolition of slavery in 1834, and it still remains the same. There are now nearly as many coloured as there are white freeholders. The Governor is assisted by the Executive Council, which has 3 official and 5 unofficial members appointed by the Crown.

House of Commons procedure is followed as far as is practicable with Bermuda's form of semi-responsible government. A number of government departments are controlled by Executive Boards, which consist of unofficials nominated by the Governor. The Chairmen of most of the boards are Members of the House of Assembly. Members

## Bicameral Legislature

of the Executive Council, or members who are Chairmen of Executive Boards, take the place of ministers in the Assembly, and take charge of government measures and answer questions in the House.

The House of Assembly meets in Hamilton in the Sessions House, built in 1817, and the Legislative Council in the Public Building, which also contains the Governor's Office and the Secretariat.

### **BICAMERAL LEGISLATURE**

A legislature consisting of two chambers, an upper and a lower. Both chambers can usually initiate legislation, but the more important and controversial measures are generally introduced in the lower chamber. The advantages of a second chamber are the security it gives against hasty legislation and the opportunity it provides for full consideration and revision of every Bill passed by the lower House before it becomes law. An upper House can also relieve the congestion of business in the lower House, and some second chambers perform another valuable service to the nation in that they provide for the continued counsel of men who might be unwilling to face contested elections, but whose knowledge and experience enable them to make an invaluable contribution to the government of the country. John Stuart Mill had another reason for preferring bicameral legislatures. He wrote: 'A majority in a single assembly . . . easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls makes it desirable there should be two chambers: that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.' An upper chamber or Senate also provides for the representation of individual states in the case of a federal union, such as Australia, where each State sends 10 Senators to the Federal Parliament. In this case the representation is on a state and not a population basis. In the Indian Parliament the second chamber is actually called the Council of States.

Most of the larger Commonwealth Parliaments have a second chamber although New Zealand has for the time being abandoned hers. Pakistan proposes to have an upper House composed of 10 members from each province, and 6 of the Indian States have bicameral legislatures. In Australia, all the state legislatures with the exception of that of Queensland are bicameral, but in Canada the only provincial Assembly to have two chambers is that of the Province of Quebec. The older colonial legislatures of Jamaica, Bermuda, Bahamas, and Barbados also have two chambers. The English Parliament assumed almost from the first a bicameral form, and except for eight years during the revolutionary period in the middle of the 17th century has retained it ever since.

The Abbé Siéyès said: 'If a second chamber dissents from the first it is mischievous; if it agrees with it, it is superfluous.' In spite of this, however, the adoption of a second chamber has been considered advantageous by most of the world's legislatures, not because of any theoretical arguments that can be adduced in its favour but because its value has been recognized by long experience of the methods of parliamentary government.

Throughout the Commonwealth the principle of the predominance of the lower House in matters of finance is generally accepted (*see PRIVILEGE, FINANCIAL*).

(Further reading: Marriott, *Second chambers*, 1927; Roberts, *Functions of an English second chamber*. 1926.)

## BIG BEN

The bell (13½ tons) which strikes the hours in the Clock Tower (q.v.) of the British Houses of Parliament, so called after Sir Benjamin Hall, First Commissioner of Works at the time it was hung. The name is now popularly applied to the clock itself, which was made by Messrs. Dent from the designs of Lord Grimthorpe, and began its long service on 31 May 1859. The four dials are 23 feet in diameter, the figures are 2 feet long, the minute hands are 14 feet long, and the hour hands 9 feet long. No other public clock has ever kept such accurate time as Big Ben. Twice a day since 1859 it has automatically telegraphed its performance to the Royal Observatory at Greenwich for checking, and for weeks it has remained correct to within one-tenth of a second. Apart from a few stoppages it has never deviated more than four seconds from Greenwich time. Big Ben was first broadcast at midnight on 31 December 1923, and now its voice is known and welcomed in the remotest parts of the world. Since 1885 a light has burnt at the top of the Clock Tower when the House of Commons is sitting, but, with all the other lights of London, this was extinguished during the last war. When Speaker Clifton Brown, afterwards Viscount Ruffside, pressed the switch on 24 April 1945 in the Commons Chamber to relight the lantern, he said: 'I pray that, with God's blessing, this light will shine henceforth not only as an outward and visible sign that the Parliament of a free people is assembled in free debate, but also that it may shine as a beacon of sure hope in a sadly torn and distracted world.'

## BILL

*See* BILL, PASSAGE OF; BILL, RECOMMITTAL OF; PRIVATE BILLS; PRIVATE MEMBERS' BILLS; PUBLIC BILLS.

## BILL OF ATTAINDER

*See* ACT OF ATTAINDER

## Bill of Indemnity

### BILL OF INDEMNITY

*See* ACT OF INDEMNITY.

### BILL OF RIGHTS

A great and historic statute which was enacted in December 1689, its long title being, 'An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown'. Although an outstanding landmark in British constitutional history, the Bill of Rights introduced no new principle of law. It merely confirmed the existing rights of Parliament and the subject, which had been violated by James II, and was based upon the famous Declaration of Right which had been accepted, together with the Crown, by the Prince and Princess of Orange. The Bill of Rights thus embodies the conditions on which William and Mary succeeded to the Throne of England. It commences with a recital of the unconstitutional acts of James II, declares his actions to have been illegal, refers to his abdication and the subsequent summoning of the Convention Parliament (q.v.), and continues with the following declarations on the part of the Lords Spiritual and Temporal and Commons 'for the vindicating and asserting their ancient rights and liberties':

That the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal;

That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;

That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

• That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;



That all grants and promises of fines and forfeitures on particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

The Bill of Rights goes on to confirm the succession of William and Mary to the throne and to provide for the succession on their decease.

## BILL, PASSAGE OF

A Bill is a statute in draft, and no Bill, public or private, whether it be introduced by the Government or a private member, can become law until it has received the approval of Parliament. Parliament must therefore have opportunities to consider all Bills both in general principle and detail, and every Bill must pass through a number of stages in both Houses. A Bill may be introduced in either the House of Commons or the House of Lords but the great majority are introduced in the lower House. No Bill involving finance may be introduced in the House of Lords, and in practice only routine and non-controversial legislation is initiated in the upper House. The main function of the Lords in introducing legislation these days is to relieve the pressure of business on the generally overburdened Commons. Bills concerning the privileges of either House commence in the House to which they relate. Restitution Bills (q.v.) are always introduced in the House of Lords.

There are three ways in which a Public Bill may be introduced into the House of Commons: (1) Upon an order of the House; (2) upon presentation by a minister or private member after notice has been given without previously obtaining leave from the House; and (3) upon being brought down from the House of Lords. (For procedure relating to Private Bills see under that heading.)

Under modern procedure the first method of introduction is mainly confined to financial Bills which, under the requirements of Standing Orders, are founded upon resolutions from a Committee of the Whole House (q.v.) and to Bills introduced under the ten minutes' rule (q.v.).

The majority of Bills, whether presented by ministers or private members, are introduced by the second method, which was established in 1902 by the passing of a Standing Order permitting any member to present a Bill without an order of the House.

A Bill brought down from the House of Lords is not necessarily proceeded with unless a member signifies his intention of taking charge of it.

The first stage in the passage of a Bill after its introduction is the *First Reading*. This is a purely formal stage and permits of no debate. The short title of the Bill is read by the Clerk of the House, the Bill is

## Bill, Passage of

ordered to be printed, and a day is appointed by the member in charge of the Bill for the

*Second Reading.* This is the most important stage through which a Bill has to pass, as its entire principle is at issue. Matters of detail are not discussed at this stage, but the general application and desirability of the measure come under debate. The method of opposing the second reading of a Bill is to move an amendment to the question moved by the member in charge of the Bill: 'That the Bill be now read a second time', to make it read: 'That the Bill be read upon this day six months.' This is regarded as a courteous method of dismissing the Bill from further consideration, and a motion for the outright rejection of a Bill is not consistent with established practice. Members were not so polite in former times, when a motion that a Bill be 'rejected and torn' was not uncommon, and if carried entailed the literal tearing of the Bill. It is even recorded in the Journal of the House of Commons that a rejected Bill was kicked by members as they went out.

A member wishing to record a special reason for opposing the second reading of a Bill is permitted to move a reasoned amendment (q.v.).

At the conclusion of the debate on the second reading a vote is taken on which there may or may not be a division (q.v.). If a Bill passes its second reading it moves on to the

*Committee Stage.* This is the stage at which a Bill is considered in close detail and is gone through clause by clause, line by line and, if necessary, word by word. For the committee stage a Bill is either referred to a Standing Committee (q.v.) or to a Committee of the Whole House. Before 1907 a Bill was always committed to a Committee of the Whole House unless a motion was carried committing it to a Standing or Select Committee, but since that year Bills after second reading have been automatically referred to one of the Standing Committees which are constituted every session. Exceptions to this practice are made in the case of Bills involving finance which are automatically referred to a Committee of the Whole House, Bills for confirming provisional orders (q.v.) which are referred to the Committee of Selection (q.v.), and any Bill which on the affirmed motion of a member is referred to a Committee of the Whole House or a Select Committee. Bills committed to Standing Committees are distributed among the committees by the Speaker. Those relating exclusively to Scotland are considered by the Scottish Standing Committee.

The function of a Committee of the Whole House or a Standing Committee is to go through the text of a Bill in detail, and during the course of the debate amendments may be moved and voted upon. The selection of amendments for consideration is at the discretion of the Chairman.

The committee is bound by the decision of the House approving the Bill in principle at the second reading, and any amendment which

does not accept the principle is out of order and cannot be considered. Amendments moved during the committee stage of a Bill are very often agreed to by the Government or the member in charge of the Bill if they tend to make the measure more acceptable. A Bill cannot be rejected during the committee stage as this power is reserved to the House. A committee can, however, negative a clause which is essential to the Bill and report the Bill to the House as amended, thus possibly achieving the same effect as rejection. In committee the rules of debate are relaxed and a member may speak more than once to the same question. The proceedings on a controversial clause of a Bill can thus be very long drawn out.

*Report Stage.* If a Bill has not been amended in committee this stage automatically falls away and the third reading is proceeded with. In the case of an amended Bill the amendments are considered by the House before the third reading takes place, and this stage amounts to a formal repetition of the committee stage with the Speaker in the Chair and the normal rules of debate applying. When a Bill is reported from a Committee of the Whole House the Chairman leaves the Chair, having put the question: 'That I do report the Bill without amendment (or as amended) to the House', and the Speaker resumes the Chair. The Chairman then reports to the Speaker in the following manner: 'I beg to report that the committee have gone through the Bill and directed me to report the same without amendment', or alternatively: '... and made amendments thereunto.' If a Committee of the Whole House is unable to complete its consideration of a Bill at one sitting the Chairman, on the motion of a member, puts the question: 'That I do report progress and ask leave to sit again.'

When a Bill is reported from a Standing Committee the formal proceedings described above are dispensed with.

A Bill may be recommitted to a Committee of the Whole House, a Standing Committee, or a Select Committee, and a motion for this purpose may be moved at the beginning or the end of the report stage or during the third reading.

*Third Reading.* The procedure on this stage is similar to that on the second reading, although the debate is usually far more limited at this later stage. A Bill is accepted or rejected at this stage by means of a vote which may or may not include a division, and if passed it has successfully secured its passage through the House of Commons.

The next step in the passage of a Bill is to refer it to the House of Lords. It then goes through the same stages in the upper House as those through which it has successfully passed in the lower House, the proceedings being mainly similar. After second reading the Bill is referred to a Committee of the Whole House, and amendments of substance may be moved during the third reading, whereas in the Commons verbal amendments only are permitted to be moved at this

## Bill, Passage of

stage. If the Lords agree to the Bill without amendment it is not returned to the Commons unless it is a Bill involving finance. Instead, the Lords send a message to the Commons 'to acquaint them that the Lords have agreed to the said Bill without amendment'.

If the Lords have made amendments they return the Bill with the message: 'That the Lords have agreed to the same with amendments, to which their Lordships desire their concurrence.' The Lords are not empowered to amend Bills involving finance, over which the Commons exercise exclusive control. If the Lords amend a Bill there is yet a further stage through which it has to pass:

*Consideration of Lords' Amendments.* During this stage only the amendments and no other provisions of the Bill may be discussed. The Clerk reads the amendments one by one, and a motion: 'That this House doth agree (or disagree) with the Lords in the said amendment' is considered in respect of each. The debate on the motion must be confined to the amendment under consideration. If the Lords' amendments are agreed to, the Commons send a message acquainting the Lords accordingly and the Bill is returned to await the Royal Assent (q.v.). If the Commons disagree with any of the Lords' amendments a Committee is appointed to draw up reasons for disagreement. The Committee retires to its deliberations immediately and reports at the same sitting. A message is then sent to the Lords communicating the reasons for disagreement, together with the Bill and any amendments which the Commons have made to the Lords' amendments. If, after consideration, the Lords insist on all or any of the amendments with which the Commons have disagreed, further proceedings are necessitated in the Commons to consider the Lords' reason for their insistence. This interchange of amendments can be carried still further, but in practice few Bills go beyond this stage. Every effort is made to reach agreement by compromise, and one House or other usually concedes its objections.

If the Commons amend a Bill which originated in the Lords the procedure described above is reversed.

Once a Bill has successfully passed through all its stages in both Houses it requires only the Royal Assent to make it an Act of Parliament (q.v.).

In the other Parliaments of the Commonwealth the procedure relating to the passage of Bills, like most other procedure, follows closely that of Westminster. Bills are taken through the same stages, although in the case of a unicameral legislature there is no upper House to which to refer any measure. In all bicameral Parliaments the principle seems to be firmly established that the upper House has no power to interfere with legislation involving finance.

The other Commonwealth Parliaments differ from Westminster in that they have not adopted the Standing Committee system, and the

committee stages of all Bills are taken in Committee of the Whole House.

## **BILL, RECOMMITTAL OF**

After a Bill has passed through its committee stage it may, in certain circumstances, require to be recommitted, e.g., if a financial amendment or any other amendment which can only be made in committee is subsequently moved. A Bill which has been considered by a Select Committee or a Joint Committee is afterwards recommitted to a Committee of the Whole House.

*See also* FINANCIAL RESOLUTION.

## **BISHOPS**

*See* LORDS SPIRITUAL.

## **BLACK PARLIAMENT**

*See* REFORMATION PARLIAMENT.

## **BLACK ROD**

*See* GENTLEMAN USHER OF THE BLACK ROD; YEOMAN, USHER OF THE BLACK ROD.

## **BLOCKADE, MINISTER OF**

Created in 1916, he performed similar functions to those of the Minister of Economic Warfare in the Second World War. Lord Robert Cecil, who combined the office with that of Under-Secretary of State for Foreign Affairs, held it until it was abolished at the end of the First World War.

## **BLOCKING**

The legitimate obstruction of a Bill or motion by invoking the Standing Orders relating to Opposed Business. Therein it is provided that after a certain hour each day a member is entitled to object to further proceedings on an opposed item of business. Another method of blocking a Bill or motion is to cause protracted debate to take place on the preceding Order of the Day.

## **BLUE BOOK**

A popular name for an official report, statistical or other government publication which because of its bulk is provided with a blue cover of stouter quality than the inside pages.

*See also* WHITE PAPER.

## **BOARD OF TRADE, PRESIDENT OF THE**

*See* PRESIDENT OF THE BOARD OF TRADE.

## Borough Franchise

### BOROUGH FRANCHISE

“ See REPRESENTATION.

### BOUNDARY COMMISSIONS

The report<sup>a</sup> of an all-party Speaker's Conference on Electoral Reform and Redistribution of Seats appeared in 1944 (Cmd. 6934) and resulted in the House of Commons (Redistribution of Seats) Act (now superseded by the 1949 Act of the same title). These Acts set up four Permanent Boundary Commissions for England, Scotland, Wales, and Northern Ireland to keep under review the representation in the House of Commons of the part of the U.K. with which they are concerned, and to submit reports to the Home Secretary as to the redistribution of seats at intervals of not less than three or more than seven years. The Second Schedule of the 1949 Act sets out the rules to be observed by the Boundary Commissions.

See also CONSTITUENCIES.

### BOWING TO THE SPEAKER

The practice of bowing to the Speaker when passing in front of the Chair and entering or leaving the Chamber is now accepted as a mark of respect, but it may have arisen from the Commons' long association with St. Stephen's Chapel (*see* ST. STEPHEN'S HALL) where it had been customary to bow to the altar. Some writers suggest that the genuflexion originated even earlier, when Parliament met in the Chapter House of Westminster Abbey where there was a statue of the Virgin Mary.

### BRADLAUGH, CHARLES (1833-1891)

The central figure in a struggle with the House of Commons, lasting six years, over the right of a new member to affirm instead of taking an oath on the Bible. Bradlaugh was elected for Northampton in 1880, and as he had no religious belief claimed the right to make affirmation. Although the objection to allowing this was merely technical, there was a strong feeling against him because of his heterodox opinions, and he was excluded from the House and unseated four times. He was re-elected every time, and on the fifth occasion, in 1886, a new Speaker (Peel) would not allow any objection being made when he took the oath in the ordinary form. In 1888 Bradlaugh succeeded in having his Oaths Bill passed, which authorized anyone objecting to be sworn to make an affirmation instead of taking an oath in all cases where an oath or affirmation was necessary. In 1933 a centenary volume entitled *Champion of Liberty: Charles Bradlaugh* was published which contained appreciations by many eminent writers and extracts from his own speeches covering many aspects of his life and work.

**BRAND, SIR HENRY FOUYERIE WILLIAM, 1st Viscount  
Hampden and 23rd Baron Dacre (1814-1892)**

Speaker of the House of Commons from 1872 to 1884, Brand's tenure of office is notable for a drastic innovation of procedure and for the creditable manner in which the Speaker fulfilled his arduous duties in the face of conditions of unprecedented difficulty and strain.

Brand was three times unanimously elected to the Chair. Prior to his first election, some doubts were expressed as to his fitness for the office of Speaker on the ground that he had been for many years the senior Liberal Whip. These doubts were soon dispelled by his demeanour in the Chair, and he retired as one of the most popular Speakers ever to preside over the House.

Brand's task was rendered difficult and harassing from the outset by the campaign of systematic obstruction evolved by Parnell and his supporters. After the General Election of 1880 had returned an increased number of Irish Nationalists, his position became even more unenviable. The obstructive tactics of the Irishmen reached a climax in January-February 1881, when the debate on the motion for leave to bring in the so-called Coercion Bill was protracted for over forty-one hours. The sitting began on 31 January and continued until 9 a.m. on 2 February, when the Speaker took his memorable decision to terminate the debate upon his own responsibility. 'The dignity, the credit and the authority of this House are seriously threatened,' declared Speaker Brand, 'and it is necessary that they should be vindicated.' This was the first time any check had been imposed upon the length of a debate. Brand's action was unprecedented but justified by sheer necessity. He was supported by the Prime Minister and the Leader of the Opposition, and the following day the powers of the Speaker were formally augmented by resolution. Thus the closure (q.v.) was first introduced into the rules of procedure, and the Speaker's powers of dealing with obstruction have subsequently been further strengthened.

**BREACH OF PRIVILEGE**

*See* PRIVILEGE, BREACH OF.

**BRITISH CARIBBEAN FEDERATION**

*See* WEST INDIES FEDERAL PARLIAMENT.

**BRITISH COLUMBIA PARLIAMENT**

The Colonies of Vancouver Island and British Columbia, whose legislatures dated from 1849 and 1858 respectively, were united in 1866 to form the Province of British Columbia. The new Province entered the Canadian Confederation in 1871 and has a local constitution similar to that of the other Provinces. It has a single-chamber

## British Constitution

legislature, the Legislative Assembly, which has 48 members elected for five years, the normal life of a Parliament, on the usual adult franchise, extended to native Indians and Canadian-Chinese in 1947. Procedure in the Legislative Assembly differs in some details from the Westminster practice—for instance, there are no oral questions, adjournment motions are not debatable, preambles are allowed to motions, and only rarely are Bills, other than Private Bills, referred to a committee. When it is necessary for an amendment to be made to a Bill after the third reading, it is assumed that the Crown still retains its right of veto, and the Lieutenant-Governor sends a message recommending the amendment. The order for third reading is then discharged and the Bill recommitted. One peculiarity of procedure, which is common to Canadian legislatures, is that an appeal to the House is allowed from a ruling of the Speaker on questions of order. The Premier is President of the Executive Council, which is composed of such persons as the Lieutenant-Governor may from time to time appoint, not exceeding 16, which in practice are the President, the Provincial Secretary, the Attorney-General, and 13 ministers. Under the Constitution Act Amendment Act of 1955 not more than 14 members of the Executive Council receive any salary. The same Act increases the membership of the Assembly to 52 after the next General Election due in 1958. British Columbia sends 22 members to the Canadian House of Commons and 6 members to the Senate.

When the Legislative Assembly met early in 1950 in the imposing grey stone Parliament Buildings in Victoria, a hundred years of responsible government was marked by two events—the election of Mrs. Nancy Hodges as Speaker, the first woman in the history of the British Commonwealth to preside over a parliamentary assembly, and the swearing-in of the first full-blooded Indian to be elected to the legislature.

## BRITISH CONSTITUTION

The Constitution, or fundamental principles by which the British nation is constituted and governed, is said to be 'unwritten' because it is not embodied in any enactment or formally related series of enactments. It includes some important milestones, from Magna Carta (q.v.) to the Statute of Westminster (q.v.), during the course of its historic evolution, but some of its most important features are no part of its formal and legal structure and have little sanction beyond tradition and precedent. British constitutional law forms a part of the general body of English law and is derived from the same sources, primarily statutes and judicial precedents and secondarily custom and books of authority. Its most important characteristic is the legislative supremacy of Parliament, which can legally pass any kind of law and cannot be overridden by the legislative power of any other body or person. As Dicey



pointed out, the omnipotence or undisputed supremacy throughout the whole country of the central government and 'the Rule or Supremacy of Law' are the two main features from which all British constitutional development has proceeded. Although the British political system is monarchical it is a limited or 'constitutional' monarchy, and the governmental powers which are vested in the Sovereign are in practice exercised according to the laws, customs, and conventions of the Constitution, and they are exercised either by the Crown or the advice of its ministers or by the ministers in its name. The financial needs of the Crown long furnished the main lever by which Parliament increased its power, and from that interaction between the Crown and the people grew the system of government in and with Parliament, subject to the ever-increasing influence of public opinion and to periodic review by the nation as a whole. The Monarchy itself, divorced from arbitrary personal power, has become increasingly the symbol of the continuity of the British Constitution and the unity of the peoples of the British Commonwealth.

See also CROWN AND PARLIAMENT; PARLIAMENT; PRIVY COUNCIL; ROYAL PREROGATIVE; SOVEREIGN.

## BRITISH GUIANA LEGISLATIVE COUNCIL

A new Constitution for British Guiana came into force on 8 April 1953, which provided for a House of Assembly with 3 *ex-officio* members and 24 elected members, and an upper House to be called the State Council consisting of 9 members appointed by the Governor.

The first General Election under this new Constitution was held on 27 April 1953, but as a result of a constitutional crisis precipitated by the People's Progressive Party, who obtained 18 of the 24 seats in the Assembly, the Constitution was suspended by the British Government on 9 October 'to prevent Communist subversion'. British Guiana temporarily reverted to Crown Colony government from 22 December with an Executive Council and a Legislative Council appointed by the Governor. An independent commission reported (Cmd. 9274) in November 1954 that 'so long as the People's Progressive Party retains its present leadership and policies there is no way in which responsible government can be restored without the certainty that the country will again be subjected to constitutional crisis'.

On 25 April 1956 the Colonial Secretary announced in the House of Commons that the time had come when some progress could safely be made in re-introducing democratic institutions in British Guiana, and it was finally proposed that the Legislative Council should have 28 members (excluding the Speaker), 14 of whom would be elected, 11 nominated, and 3 *ex-officio*. The Executive Council was to consist of the 3 *ex-officio*, 2 nominated, and 5 elected members of the Legislative Council. These proposals were incorporated in the British Guiana

## **British Honduras Legislative Assembly**

(Constitution) (Temporary Provisions) (Amendment) Order in Council made on 19 December 1956, which also gave the Governor the power to suspend an elected member and left the way open for reversion to a wholly nominated Council if events necessitated it. The first elections under this amended Constitution were held in August 1957. British Guiana has not joined the West Indies Federation but may decide to do so at a later date.

## **BRITISH HONDURAS LEGISLATIVE ASSEMBLY**

The elected Legislative Assembly, which was opened in 1854, abolished itself in 1870 in favour of a nominated Legislative Council. It first met in 1871 and until 1892 had a majority of official members. The elective principle was re-introduced by the new Constitution of 1935, and the first General Election under this was held in 1936. The new Council still had 13 members, but of the 7 unofficials 5 were elected. In 1945 the membership was increased, and the unofficial element was given a majority of 6 in a Chamber of 14. At the same time universal adult franchise was adopted—previously women under thirty were not entitled to vote. A Commission of Enquiry was appointed in 1948 on the question of a more advanced Constitution and made its report in 1951. The following year the Council approved the proposals for reform, which were embodied in an ordinance passed in 1954, and the new Legislative Assembly met on 18 June of that year. It consists of a Speaker appointed by the Governor, 3 official, 3 nominated, and 9 elected members. The Executive Council, the chief instrument of policy, has the Governor as Chairman and the 3 official and 6 other members of the Legislative Assembly elected by their fellow-members. Since 1 January 1955 a modified form of semi-ministerial government has been introduced. The mace in use since 1952 is carved from local mahogany and is depicted on the current three-cent postage stamp.

## **BRITISH SOMALILAND LEGISLATIVE COUNCIL**

Executive and legislative authority in this protectorate was formerly vested in the Governor, advised by a council of elders and government officials. There has now been constituted a Legislative Council, which first met in May 1957, and consists of 8 official and 6 unofficial members, none of whom is as yet elected. The Governor officiates as President of the Council.

## **BRITISH VIRGIN ISLANDS LEGISLATIVE COUNCIL**

In 1902 the Legislative Council was abolished, and the islands were governed by an Executive Council and the General Legislative Council of the Leeward Islands, to which federation they belonged. The

Legislative Council was restored in 1950, and in 1954 it acquired an elected majority. It now consists of the Commissioner as President, 2 nominated official, 2 nominated unofficial, and 6 elected members. The islands are not included in the West Indies Federation.

## BROADCASTING DEBATES IN PARLIAMENT

The broadcasting of Parliament was first introduced in the British Commonwealth by New Zealand in 1936. At first it was done on a limited scale, but now practically the whole of the proceedings are broadcast, although whether transmission continues beyond 10.30 p.m. depends on the importance of the subject under discussion. The first Canadian Parliament to broadcast debates was the Legislative Assembly of Saskatchewan, which began an afternoon session from 3.15 to 4.30 (rebroadcast in the evening) in 1946. Australia began in the same year, and several attempts have been made to persuade the British House of Commons to do likewise, but so far without success. Mr. Amery, in his *Thoughts on the Constitution*, says that broadcasting would raise the standard of debate and increase public interest in the proceedings of Parliament, but there are several arguments against its adoption in England which call for consideration. For instance, there is the possible 'jockeying' for speech time; members would naturally seek the best listening-in period—usually early in the evening. Also members might tend to talk more about—and to—their constituencies, and while topics discussed in the New Zealand Parliament are more domestic and appeal to a wider audience, there are considerably fewer debates of really general interest in the British Parliament. The B.B.C. avoids broadcasting discussions on an issue which is to be debated in Parliament within a fortnight.

## BUDGET

Budge, an anglicized form of the French *Bouge*, is an obsolete word meaning a small bag, and budget was derived from this. In a pamphlet of 1733 entitled 'The Budget Opened' Sir Robert Walpole, the Prime Minister and Chancellor of the Exchequer, is satirically pictured while explaining his financial measures as a quack doctor opening a bag filled with medicines and charms, and the expression 'budget' appears to have come into use about this time. It was originally applied only to the exposition annually given by the Chancellor at the opening of the financial year of the state of the country's finances and the measures rendered necessary thereby. It has, however, become customary, though less in England than elsewhere, to use the word as denoting the whole annual plan of finance (see also CHANCELLOR OF THE EXCHEQUER).

- The Budget is presented soon after the beginning of the financial year by the Chancellor of the Exchequer in Committee of Ways and

Means, and in his speech he gives an account of the previous year's finances and his proposals for taxation for the coming year. The Finance Bill is founded on the resolutions of the Committee of Ways and Means passed after the Chancellor's opening statement. These resolutions, which form its usual basis, are the resolutions for the continuance, during the financial year, of the income tax, and the imposition or alteration of any duties necessary for the purpose of adjusting the revenue to the estimated expenditure. The secrecy with which changes in taxation have to be guarded, until the conclusion of the Chancellor's statement, makes debate on his proposals unprofitable until there has been time for his speech to be studied. The debate therefore on the first day is often only formal. A general debate follows, in which considerable latitude is allowed—a survival from the times when the Commons claimed to discuss 'grievances before Supply'—and the committee must be able to consider the resolutions proposed by the Chancellor as forming, together with existing taxation, a complete scheme of revenue to be debated as a whole. (*See also* **WAYS AND MEANS.**)

In the interests of the revenue it is necessary that changes in taxation or the renewal of expiring taxes should have the force of law on the same day as they are proposed by the Chancellor. For many years before 1913 the Treasury (q.v.) had taken the Ways and Means resolutions as sufficient authority for continuing existing taxation and making such changes as would be imposed and made by the Finance Act (q.v.) when it was passed. The legality of this procedure was challenged by Gibson Bowles in 1912, and the High Court held that the deduction of income tax on the authority of a Ways and Means resolution was invalid. The difficulty was solved by passing the Provisional Collection of Taxes Act in 1913, by which a resolution comes into and continues in force as soon as it has been voted by the Committee of Ways and Means, provided that: (1) it is agreed to by the House within ten sitting days; (2) the Bill confirming it is read a second time within twenty sitting days after it has been agreed to by the House; (3) this Bill receives the Royal Assent within four months after the resolution has been voted; and (4) the resolution does not impose a new tax.

The Budget which aroused most opposition was that of Lloyd George in 1909, when he introduced the Land Tax. He then made the longest Budget speech in modern times—4 hours 51 minutes, less an interval of 30 minutes to relieve his voice. During the course of the ensuing debate, the closure was moved 106 times and 549 divisions were taken, which represent 90 hours in the Division Lobbies. The Lords threw this Budget out by 350 votes to 75, although there had been no precedent for such an action for many years. In the General Election which followed the consequent forced dissolution of Parliament, the question at issue was whether the Lords had the right to reject a Budget which the Commons had passed. The Parliament Act of 1911

destroyed the power of the Lords to veto legislation, and henceforth they could only delay measures sent up by the Commons.

Mr. Gladstone still holds the record for the longest Budget speech as he spoke for five hours when he introduced his first Budget in 1853, and Mr. Ward Hunt made the shortest speech in 1868.

While delivering his Budget speech the Chancellor of the Exchequer, in accordance with a custom of the House which is a departure from the normal practice, is permitted to regale himself with the liquid refreshment of his choice. Disraeli is said to have favoured brandy and water while Goschen preferred port. Some Chancellors have called for most unusual concoctions, and Gladstone is on record as having consumed sherry and beaten egg while presenting his Budget. In our own century Sir Stafford Cripps was far more orthodox in choosing plain water.

### BURKE'S PEERAGE

Founded in 1826 by John Burke, this substantial work of reference has appeared regularly, and for many years annually, since its inception. In 1957 the 100th edition was published, the second edition to be issued after the war. The present policy of the publishers is to produce an edition every two years.

*Burke's Peerage* is a complete genealogical and heraldic history of the peerage, baronetage, and knightage, in alphabetical arrangement. It also contains a considerable amount of related information, including tables of precedence, and special sections on the Royal Family and Royal Lineage. The companion work to the *Peerage*, *Burke's Landed Gentry*, was first published in 1837.

### BUSINESS COMMITTEE

A Select Committee consisting of the Chairmen's Panel and 5 other members whose function is to allocate the time to be accorded to each stage of a Bill on which discussion has been limited by application of the guillotine or previous consent of the House. The quorum is

### BUSINESS OF THE HOUSE

The relative order of all the items of business in the House of Commons is not rigidly fixed, but Lord Campion, in his *Introduction to the Procedure of the House of Commons*, lists this order, which would be followed in the extremely unlikely event of all the items occurring at the same sitting.

1. After Prayers (2.30 p.m.) motions for new writs
2. Unopposed Private Business.
3. Presentation of public petitions.
4. Motions for unopposed returns.

## **Business Vote**

5. Questions.
  6. Introduction of new members.
  7. Adjournment motions on the ground of urgency.
  8. Business taken after any motion under the previous item:
    - (i) Motions for leave of absence (now practically obsolete).
    - (ii) Oral Notices of Motion.
    - (iii) Ministerial statements and personal explanations.
    - (iv) Motions to set up 'Money' Committees.
    - (v) Lords' Amendments (if not material) to a Public Bill.
    - (vi) Privilege motions.
  9. At the commencement of Public Business:
    - (i) Presentation of Public Bills.
    - (ii) 'Business' motions moved by the Government.
    - (iii) Motions for leave to bring in Bills and to nominate Select Committees.
    - (iv) Privilege motions (where notice has been possible).
  10. Public Business. Orders of the Day and Notices of Motion.
  11. Following Business (when granted precedence):
    - (i) Adjournment motions under item 7.
    - (ii) Opposed Private Business.
- Interruption of Business at 10 p.m.
12. Business regularly taken after 10 p.m. (usually a Prayer (q.v.).)

## **BUSINESS VOTE**

A franchise enjoyed by virtue of the occupation of business premises. It was abolished by the Representation of the People Act, 1948. Prior to this Act, an elector who qualified for the business vote was entitled to exercise it in addition to his normal residential vote.

## **BY-ELECTIONS**

*See* ELECTIONS.

# C

## CABINET

'The Cabinet,' writes Sir W. Ivor Jennings, 'is the core of the British constitutional system. It is the supreme directing authority. It integrates what would otherwise be a heterogeneous collection of authorities exercising a vast variety of functions. It provides unity to the British system of government.' Yet in spite of its essential nature it is a body without a legal existence. The Cabinet evolved from the Privy Council (q.v.) and eventually took its place as the executive organ of government, but its growth was a largely informal process. The word itself originally meant a small room or closet and thus came to signify a body of persons meeting together to deliberate in secret. As far back as Tudor times much of the work of the Privy Council was delegated to committees, either standing or *ad hoc*, in order to relieve the pressure of administrative work. The practice was continued under the Stuarts, and one of these committees, normally styled the Foreign Affairs Committee although it concerned itself with all matters of consequence, domestic as well as foreign, came to assume very great importance. It consisted of the King's most trusted and intimate counsellors and frequently took decisions of major importance before the Privy Council had even been consulted upon the matters under discussion. The Parliaments of the 17th century took strong exception to such committees, which were variously described as *junctos*, cabals, or cabinets. But in spite of its unpopularity the system not only survived but flourished until it became under Anne the accepted machinery of executive government. As the powers of 'the committee' (as it came to be called) increased, so the functions of the Privy Council came to be purely formal. The last serious attempt to restore the Privy Council to its former position was under the Act of Settlement (q.v.) in 1701. Until the accession of George I it had been customary for the Sovereign to preside over meetings of the committee, but from 1717 that monarch, being unable to speak English, ceased to attend and the business of government was transacted without royal participation. When attending upon the Sovereign the committee had been known as the Cabinet, and this was the name retained after the Sovereign's withdrawal from their meetings. In the absence of the King it was necessary for a minister to take over the presiding function and there thus emerged the office of Prime Minister (q.v.).

## Cabinet

The Cabinet is thus a committee drawn from the ministers of the Government, presided over by the Prime Minister, whose function is to frame the general policy of the Government and to co-ordinate its administrative activities. It accepts collective responsibility for all the activities of the Government, from which it follows that there must be no fundamental disagreement amongst its members. Every minister must abide by Cabinet decisions or resign, and an attack upon an individual minister is an attack on the Cabinet as a whole. Cabinet proceedings are of a strictly secret nature as it is obviously essential that all ministers should be able to speak with complete frankness. It would be foolish to pretend that argument and disagreement play no part in Cabinet meetings, but differences must be resolved by compromise in order to arrive at unanimous decisions. A minister refusing to accept a Cabinet decision would have no alternative but to resign from the Government, and if he found himself consistently in the minority at Cabinet meetings the same course would be forced upon him. There is one exception to the rule of secrecy. If a minister, finding himself unable to support the policy of the Government, takes the proper course of resigning he is permitted to make a personal explanation stating his reasons for his actions, but his statement must be limited to the circumstances leading up to his resignation.

A Cabinet is composed of the Prime Minister and such of his colleagues as he may select. There has long been a controversy over the comparative merits of a large and a small Cabinet. As Herbert Morrison points out in his book *Government and Parliament*, a Cabinet may be one of three possible sizes: there is the Cabinet composed of substantially all the ministers of the Government, which was the general pre-war pattern; there is the very small Cabinet of the type which came into being during the two World Wars, sometimes limited to as few as 5 members; and finally there is the medium-sized Cabinet of some 16 or 18 members which follows the pattern set since the War, and which necessitates the omission of a number of departmental ministers. It seems to be generally agreed that the largest type tends to be too unwieldy to perform the function of a supreme policy-making body. Under the exceptional conditions imposed in wartime, the leading authorities seem to concur in the view that the central direction of a war is best entrusted to a small Cabinet capable of arriving at swift and firm policy decisions. Opinions are divided, however, on the desirability of a small Cabinet in peacetime. The small Cabinet has been advocated by L. S. Amery in his book *Thoughts on the Constitution*, the main argument in its favour being that the function of the Cabinet could best be discharged by a small group of co-ordinating ministers free from departmental responsibilities, as the work of a minister in charge of a department is so heavy that he is unable to carry fully the additional burden of Cabinet membership,



in consequence of which his contribution to Cabinet discussions must be inadequate, and that furthermore his outlook is liable to be coloured by his departmental interests. The case against the small Cabinet in peacetime is lucidly argued by Mr. Morrison. He points out that the Cabinet should be representative of all sections of the party in power, fully in touch with all shades of opinion, and able to give political leadership not only to the party itself but to the House of Commons and the country as a whole. It is unlikely that a small group of super-ministers could fulfil these requirements. Mr. Morrison therefore advocates the medium-sized Cabinet, including a number of departmental ministers who can bring to the Cabinet 'that intimate experience of day-to-day affairs and work which is part of the valuable experience behind the contribution the departmental minister makes to Cabinet discussions'.

The delicate problem with which a Prime Minister is faced is, of course, the decision as to which ministers shall be included in the Cabinet and which shall be excluded. It is desirable to include two or three ministers without departmental responsibilities, such as the Lord President of the Council, the Lord Privy Seal, and perhaps the Chancellor of the Duchy of Lancaster, who are in a position to devote their time to the work of co-ordination and inter-departmental matters, and to undertake the chairmanship of Cabinet committees. It would obviously be unwise to exclude the leading departmental ministers such as the Foreign Secretary, Home Secretary, and Chancellor of the Exchequer, for apart from the vital importance of their offices, which are closely bound up with the framing of policy generally, they play major rôles in the co-ordination of Government activities. The Chancellor of the Exchequer, for instance, is by the very nature of his office responsible not only for the work of the Treasury but for co-ordinating financial and economic policy as a whole. To exclude the Secretaries of State for Scotland, Commonwealth Relations, and the Colonies would be open to serious objections, and could well be interpreted as an insult to the people of Scotland and Her Majesty's territories overseas. Strong claims for inclusion can be put forward on behalf of other departmental ministers and of the Lord Chancellor on account of his legal eminence. In addition to departmental claims there are personal considerations involved. Some ministers are bound to be included in the Cabinet not by virtue of the offices they hold but because of their standing and influence in the party and in the country. To sum up in the words of Herbert Morrison, 'the membership of the Cabinet should be of a character which will command the general respect of and exercise authority among its parliamentary supporters'.

In actual practice ministers not in the Cabinet are nevertheless summoned to Cabinet meetings when the affairs of their own departments

come under discussion, and they also serve on Cabinet committees. Although there is an undoubted element of prestige attached to Cabinet membership, ministers not in the Cabinet are in no way subordinate to their Cabinet colleagues. They have the same rights and responsibilities, they receive the Cabinet agenda and conclusions and a large number of Cabinet papers (although not all), and they have the same discretion as Cabinet ministers in the raising of matters and the circulation of papers for Cabinet consideration. As members of Cabinet committees they are on an equal footing with their Cabinet colleagues. They are equally bound by Cabinet decisions and the principle of collective responsibility extends to them. In view of the growth of new departments in recent years a present-day Cabinet could number about 30 members if every minister was included, a size which would probably prove too unwieldy for the conduct of effective business. Although there is a tendency perceptible to exclude from the Cabinet the ministers in charge of the newer departments there is by no means a slavish adherence to this principle. The Minister of Defence, for example, has since the creation of the office invariably been included in the Cabinet, and the three service ministers have in consequence been omitted. As a co-ordinating minister the Minister of Defence is able to represent the point of view of all three service departments at Cabinet meetings, so that in spite of the historic standing of the First Lord of the Admiralty, the Secretary of State for War, and (to a lesser extent) the Secretary of State for Air, it has lately been the practice to exclude them from the Cabinet.

The nature of the Cabinet has undergone various changes since the days of the first Prime Minister, Sir Robert Walpole, whose 'inner cabinet' (a sort of cabinet within the Cabinet) consisted at first of the First Lord of the Treasury, the Lord Chancellor, the Lord President of the Council, and the 2 Secretaries of State. This small group, which was expanded to 8 members over the course of twenty-five years, came to supersede the Cabinet proper as the supreme responsible body. No appreciable increase in its composition becomes apparent until the 19th century when the creation of new and important offices imposed the necessity of swelling the total. Sir Robert Peel's Cabinet of 1841 consisted of 13 members. Disraeli's Cabinet of 1874 included only 12 members, but in order to keep its size so limited he was compelled to exclude such important office-holders as the President of the Board of Trade. Cabinets between the two World Wars averaged over 20 members, but the 4 Prime Ministers since the Second World War have succeeded in keeping the size of their Cabinets below 20.

Until 1916 the business of the Cabinet was conducted in an informal and somewhat disorganized fashion. There was no Cabinet Secretariat in existence, no formal agenda prepared, no minutes kept, and no record taken of decisions. As a result it was not unusual for some doubt

to exist amongst ministers as to what decisions had in fact been taken. Such was the emphasis upon the secrecy of Cabinet discussions that in those days ministers were known to object when their colleagues were seen making notes for their personal guidance. During the First World War it proved necessary to introduce some method into the organization of Cabinet business, and one of Lloyd George's first acts upon assuming office as Prime Minister was to establish a Cabinet Secretariat which was in fact the Secretariat of the Committee of Imperial Defence. To-day the Cabinet Secretariat is an indispensable office which serves both the Cabinet and its committees and performs many highly responsible functions, including the preparation of the agenda and the recording of conclusions. Herbert Morrison refers to an interesting custom which is observed in Cabinet procedure when agreeing upon decisions. No actual vote is taken as this 'would not only be regarded as a breath of Cabinet decorum but would also be felt to symbolize and demonstrate, nakedly and unashamedly, a lack of Cabinet unity and solidarity which is always deprecated'. Usually the Prime Minister is able to state what appears to be the general view of the Cabinet and the decision is recorded accordingly. But sometimes it becomes necessary to 'collect the voices', when the view of each member is heard and the predominant view afterwards expressed by the Prime Minister, thus avoiding a formal vote.

In these days of heavy executive responsibility a considerable amount of work is delegated by the Cabinet to its committees. In the composition of these committees particular attention is given by the Prime Minister to the appointment of chairmen. They are normally chosen from among the ministers in the Cabinet, and wherever possible a minister without a department is selected for this work as he is in a better position to devote himself to the strenuous duties involved. The appointment of these committees is a confidential matter and the details concerning them, their composition, terms of reference, etc., are not revealed during the lifetime of a Government. There are sometimes exceptions to this rule as in the case of the Defence Committee which has the Prime Minister for its Chairman and is of such outstanding public importance that no secret is made of its existence. Not all Cabinet committees are of a permanent nature, some being appointed for special or temporary purposes.

The Machinery of Government Committee which reported in 1918 (Cd. 9230) defined the main functions of the Cabinet as (1) the final determination of the policy to be submitted to Parliament; (2) the supreme control of the national executive in accordance with the policy prescribed by Parliament; and (3) the continuous co-ordination and delimitation of the authorities of the several Departments of State. These statements aptly express the general and overall nature of the control which the Cabinet exercises over the administration. Matters of

administrative detail are the concern of the departments and of the individual ministers responsible.

Cabinet government in the other countries of the Commonwealth bears a close relationship to the system which operates at home. The pre-eminence of the Prime Minister, the doctrine of collective responsibility, the principle of unanimity and the secrecy of Cabinet proceedings have all, broadly speaking, been embodied into the systems overseas. In the case of Ceylon the principal features of Cabinet government are actually specified in that country's Constitution. Certain departures from the principles of unanimity and collective responsibility have been evident in South Africa, when a resignation has not immediately followed a serious dispute within the Cabinet, but this has been attributed (by Alexander Brady in his book *Democracy in the Dominions*) to the influence of the republican tradition which tolerated a loosely organized executive. In Canada racial, religious, and regional considerations affect the composition of the Cabinet, whilst in Australia (at least when the Labour Party is in power) the selection of the Cabinet is powerfully influenced by the party caucus. In most Commonwealth countries overseas it appears to be the practice to include the entire ministry within the Cabinet, but in January 1955, Australia adopted the U.K. practice and formed a Cabinet of 12 selected from the 22 ministers in the Government.

(Further reading: Jennings, *Cabinet government*, 1951; Keith, *The British cabinet system*, 1952.)

### CABINET COMMITTEES

The Cabinet is relieved of a large amount of work by the appointment of Cabinet committees, which enable some matters requiring more detailed consideration than it is possible for the Cabinet to give to be more thoroughly examined and explored. Some of these committees are Standing Committees, such as the Defence Committee, the Legislation Committee, which examines draft Bills and the general progress of the legislative programme during the session, the Future Legislation Committee, and the Lord President's Committee, which was a kind of sub-Cabinet or general purposes committee. The other Cabinet committees are temporary or special purpose committees, examples of such being the Housing Committee and the Committee on the National Health Service, which assisted the ministers concerned. It is considered undesirable during the lifetime of a Government to reveal the existence of Cabinet committees, their terms of reference, or the names of their Chairmen. There are exceptions—for example, no secret was made of the existence of the Defence Committee under the chairmanship of the Prime Minister, because it was the successor of the Committee of Imperial Defence and because of its exceptional public importance.

The composition of Cabinet committees varies—the more important ones consist of ministers both in and outside the Cabinet, with the Prime Minister as Chairman. The less important may consist of Parliamentary Secretaries and Civil Servants, with a Parliamentary Secretary as Chairman, but generally speaking the choice of Chairman is affected by the general set-up of the Government and the availability and suitability of ministers for the work. These committees and sub-committees are, of course subordinate to the Cabinet, which in the case of temporary or special committees may authorize them to make decisions on its behalf and refer to the Cabinet if it is found necessary. As to the desirability of the Cabinet committee system, Herbert Morrison says, 'It may be held that delegation of work to Cabinet committees impairs the doctrine of collective Cabinet responsibility. I hardly think so. Just as departmental Ministers must decide a host of things on their own responsibility, so also should Cabinet committees. They are, after all, composed of ministers and, nearly always have a Cabinet Minister in the Chair. In any case they must keep in line with Cabinet policy, and the Prime Minister or the Cabinet can pull them in if they go wrong.'

## CALLING THE HOUSE

The oldest method of increasing the attendance of Lords and Commons in Parliament, which at times has been irregular and often very poor, was by a 'Call of the House'. This was effected by reading the roll of members on a day of which due notice was given, and members not answering to their names and not sending an adequate excuse by a colleague were regarded as defaulters and punished. The earliest authenticated call of the House was on 16 February 1548/9, but there is no doubt that the practice goes back to medieval times. Usually a call was ordered when a large number of members had absented themselves from London, and at times the Speaker sent to the sheriffs letters directing them to summon all members who were staying in their counties to attend Parliament without fail on an appointed day. In the 19th century calls of the House became obsolete, and the last took place on 19 April 1836. Motions to have a call ordered were brought forward in the House of Commons on 10 July 1855 and 23 March 1882, but both were negatived.

The House of Lords has in the past ordered a call over when urgent business was deemed to require the attendance of its members, and this order was sometimes enforced by fines and imprisonment. When the bill for the degradation of Queen Caroline was before Parliament in 1820, the House of Lords was called over, and it was resolved, 'That no lord do absent himself on pain of incurring a fine of £100 for each day's absence, pending the three first days of such proceedings, and of £50 for each subsequent day's absence from the same; and in

## Cameroons

default of payment of being taken into custody'. The only excuses allowed were those of sickness, being abroad, old age (seventy and upwards), or the death of a near relative

*See also* ATTENDANCE OF MEMBERS.

## CAMEROONS

*See* NIGERIAN PARLIAMENTS.

## CAMPION, 1st BARON, formerly SIR GILBERT CAMPION (1882—)

Clerk of the House of Commons from 1937 to 1948, leading authority and author of books and other writings on Parliament and its procedure. He edited the 14th and 15th editions of Erskine May's *Parliamentary Practice*, and his most important individual work is his *Introduction to the Procedure of the House of Commons*, first published in 1929 (second edition 1947).

Lord Campion was appointed Clerk of the Consultative Assembly of the Council of Europe in 1949. He was created a baron in 1950.

## CANADIAN PARLIAMENT

By the British North America Act-passed by the United Kingdom Parliament in 1867, Ottawa was made the federal capital of Canada, and the first Parliament of the confederation met there on 6 November 1867. The original Parliament Building was destroyed by fire in 1916, and the present building was completed in 1920 at a cost of £4,286,000. The Canadian Parliament has two Houses, the Senate (the upper House) and the House of Commons. The Senate consists of 102 members who are appointed for life by the Canadian Government, 24 from each of the four regions, and 6 from Newfoundland. Unlike the Australian Senate it was not planned to perform a strictly federal function or particularly to represent the Provinces, and its members are not regarded as directly responsible to the provincial legislatures or electorates. The Provinces are more concerned with representation in the Cabinet, which in Canada is a truly federalized institution. In recent years there has been only one minister in the Senate, and all important legislation is introduced in the House of Commons. Although under the British North America Act the Senate was given equal power to the House of Commons, it may delay a Bill but does not normally use its veto. Like the House of Lords, the Senate's most useful function is the revising and amending of Bills sent up from the Commons, and the investigatory work of their standing and special committees is also of great value. The Speaker is appointed from among the Senators by the Governor-General.

The House of Commons is elected for five years, unless a dissolution becomes necessary before that period has expired, and until 1952 its

membership was based on representation from all ten Provinces, Quebec being taken as a unit of population with 65 members. In 1952 an amendment to the British North America Act made population strictly the basis of representation and Quebec's representation was no longer fixed. In 1948 there were 245 members, increased to 262 in 1949 when Newfoundland entered the confederation. After the Representation Act was passed in 1952 and the population figures of the census of 1951 became known, various changes in representation were made, some Provinces losing, others gaining, but the result was that membership was increased to 265. The Yukon and the North-West Territory each return 1 member. The Speaker of the House of Commons is elected at each new Parliament by the party in power, and the official languages, English and French, are recognized by electing the new Speaker of the opposite tongue to the previous one, although Speakers are usually bilingual. Language rights are also maintained by appointing a Deputy Speaker who is of different racial origins to those of the Speaker, and Hansard reporters of both languages sit in the Chamber.

The procedure and customs of the Canadian House of Commons follow those of the United Kingdom fairly closely, but there is an interesting difference in the method of taking divisions. On a division being called for, the Speaker says, 'Call in the members', and the division bells are rung, but there is no fixed time set for members to reach the Chamber and about ten minutes is usually allowed. When the Speaker thinks that all available members are present he asks if those in favour of the motion or amendment will please rise. Members, beginning from the front benches, rise separately; the Clerk Assistant calls out their names, and the Clerk records their vote on a printed list. Members are taken in rows, and the Leaders of the Government and the Opposition are called out first as a matter of courtesy. When the 'Yeas' have voted the 'Nays' are recorded in the same way. The Clerk then declares the vote in both languages, Yeas/Pour, Nays/Contre, and the Speaker then says, 'I declare the motion carried' (or lost, as the case may be). Another unusual feature of Canadian procedure permits a member to appeal to the House against any decision of the Speaker on a point of order, a practice which is common to all Canadian legislatures. The financial business of the House follows the same lines as the British House of Commons, but expenditure does not come under as stringent an examination owing to the fact that the Canadian Public Accounts Committee does not meet regularly, and is only convened when there is some definite allegation of abuse to be investigated. The committees of the Canadian Parliament also follow a similar procedure, but their efficiency is impaired by the insistence on regional and racial representation, which does not always mean that the most competent and experienced men are appointed to them.

From 1921 to the General Election of 1957 the Liberal Party

## Candles, Motion for

dominated Canadian federal politics. In the 1953 election it gained 168 seats out of 265. The Progressive Conservative Party, formerly called the Conservative Party, won the 1957 election by the narrow majority of 110 over the Liberals' 104, and returned to power after 22 years in opposition. Due mainly to a large and widely scattered agricultural population the Labour movement prior to 1939 had made little progress, in striking contrast to its growth in Australia and New Zealand. A federation of Labour, Farmer, and Socialist parties was formed in 1932 as the Co-operative Commonwealth Federation, and obtained 24 seats in the 1957 election, an increase of 1 over its strength in the previous Parliament. The Social Credit Party, which won 19 seats in the Federal Parliament in 1957, is very strong in the provincial politics of Alberta and British Columbia and has formed Governments in those two Provinces. A French-Canadian party, the Union Nationale, is in power in Quebec and limits its activities to that Province.

In 1957 the first woman Cabinet minister was appointed to the Canadian Government when the Conservative leader, Mr. Diefenbaker, selected Mrs. Ellen Fairclough as Secretary of State.

Disputes between the Canadian Parliament and the provincial legislatures as to their respective powers were once settled by appeals to the Privy Council of the United Kingdom, but in 1948 the Canadian Supreme Court became the final Court of Appeal. In 1949 the British Parliament passed an Act granting to Canada the right to amend the British North America Act in respect of federal matters.

*See also* FRANCHISE; PARLIAMENTARY ASSISTANT; PEACE TOWER, OTTAWA; PRIVY COUNCIL.

## CANDLES, MOTION FOR

In the House of Commons an interruption to the business was caused by a member moving that candles be brought in, so by a Standing Order of 1717 it was ordered that the Serjeant-at-Arms should take care that candles be brought in at the appropriate time without any order being given. The old formula is still used when a member thinks the illumination in the Chamber is insufficient and he will rise and say, 'May candles be brought in, Mr. Sneaker?'

## CAPE PROVINCIAL COUNCIL

*See* SOUTH AFRICAN PROVINCIAL COUNCILS.

## CASTING VOTE

In the House of Commons the Speaker has a casting vote when the voting in a division is equal, but the impartiality attached to his office causes him when possible to vote in such a manner as not to make the decision of the House final. This principle was laid down by Mr. Speaker Addington in 1796. The Chairman also has a casting vote



and uses it in the same way as the Speaker. In the House of Lords the Speaker and the Lord Chairman vote with the other peers, and if the voting is equal the question is decided in the negative. It is usual for the Speaker to give his reasons for casting his vote in a particular direction, and in 1673, during the Cavalier Parliament (q.v.), on a motion to adjourn the debate the voting was 105 to 105. The Speaker gave his casting vote for adjournment, remarking that 'he would have his reason for his judgment recorded, viz., because he was very hungry'.

### 'CATCHING THE SPEAKER'S EYE'

It often happens that several members who wish to speak in the House rise to their feet at the same time hoping to 'catch the Speaker's eye'. Up to 1625, when several members stood up, the House itself had decided whom they wanted to hear, but in that year the House resolved that 'if two rise up at once, the Speaker does determine. He that his eye saw first, has the precedence given'.

### CATERING, PARLIAMENTARY

See KITCHEN COMMITTEE.

### CATHOLICS IN PARLIAMENT

See ROMAN CATHOLICS IN PARLIAMENT.

### CAUCUS

A private meeting or conference of the parliamentary members of a political party. In the United States the word usually means a meeting of the leaders of a political party previous to an election to select candidates for office, or to concert other measures for the furthering of party interests. The policy of deciding issues in caucus of the majority party before they have been submitted to Parliament has been prevalent in Australia. When decisions have been taken in caucus, from which a member cannot diverge, debate becomes a work of supererogation, and the views of the Opposition mere tedious obstruction. As Mr. Menzies, the Liberal Australian Prime Minister, remarked in 1945, 'Parliament might just as well not exist at present because legislation is first submitted to the caucus, and, if its approval is given, then the subsequent debate in Parliament becomes a mere formality.' Professor Crisp, in his *Parliamentary Government of the Commonwealth of Australia*, defends the practice. He says, 'The caucus system is not the negation of the democratic Parliamentary system . . . so long as caucus discussion and criticism is free and unhindered it constitutes another tempering agency in the democratic process.' However, as Professor Bland points out, 'Surely it is Parliament and not caucus that is the

## Cavalier Parliament

forum of the nation—members in caucus hear only one set of political opinions. If Parliament is to be the nation's forum; if, as Professor Ernest Barker puts it, "law-making is the process of the grand dialectic of public debate, in which thought clashes with thought until a reconciling compromise is found, which we can all accept because we can all see some little element of our thought, some little reflection of ourselves in the lineaments which that compromise presents", then this process of debate is utterly defeated by the caucus method, and parliamentary government has changed in character

### CAVALIER PARLIAMENT

The second Parliament of Charles II which first met on 8 May 1661, and has also been called the Pensionary Parliament and the Long Parliament of the Restoration. It sat for seventeen years until 30 December 1678, when it was prorogued for the last time and dissolved by proclamation on 24 January 1679.

When summoned, the House of Lords consisted of 142 peers and the House of Commons of 507 members. At the outset the Cavalier Parliament, as its name implies, was strongly Royalist in its sympathies and the newly restored monarchy faced little opposition from it. It pursued a repressive religious policy aimed against the Presbyterians and Nonconformists and its Royalist legislation reversed much of the work of the Long Parliament (q.v.). But over the years of its long life its attitude gradually changed. Misgovernment, the corruption and profligacy of the court, an unpopular foreign policy, and a general fear of the advance of popery combined to strengthen the ranks of the dissentients in both Houses and in the Commons an organized opposition developed which became known as the Country Party. The popular cause reasserted itself and a jealous and more characteristic regard for parliamentary rights and privileges took the place of subservience to the Crown. Amongst the gains of the Cavalier Parliament may be cited the strengthening of parliamentary control over finance, the assertion of the principle that a minister is responsible to Parliament for his actions, and the secure establishment of Protestantism.

This Parliament holds the record as the longest Parliament in British history, although this distinction has been accorded by some to the more famous Long Parliament by virtue of the fact that, although forcibly dismissed by Cromwell in 1653 and again by the army in 1659, it was never constitutionally dissolved until 1660, twenty years after it was originally summoned. However, as various other Parliaments intervened between the first dismissal of the Long Parliament and its subsequent recall, the record properly belongs to the Pensionary Parliament, which sat for seventeen consecutive years and derived its alternative nickname from its longevity.

*See also* CHARLES II AND PARLIAMENT.

**CAVE, EDWARD (1691-1764)**

- The printer and publisher, who first began the systematic reporting of parliamentary debates for popular consumption. In 1727 he was imprisoned and fined, together with his friend Robert Raikes, for supplying to the latter reports of parliamentary proceedings for publication in the *Gloucester Journal*. In 1731 he started the *Gentleman's Magazine* in which the reports of the debates of both Houses became a regular feature. The reports were based upon information smuggled out of the public galleries by Cave's friends, and occasionally Members of Parliament supplied Cave with copies of their own speeches. A writer named William Guthrie later constructed the reports from the information supplied to him, and he was followed in 1740 by the young Samuel Johnson (q.v.).

In 1738 Cave published a speech before it had been delivered and an important debate took place in the House of Commons on the subject of parliamentary reporting. Most speakers agreed in roundly condemning the practice and the House passed a strongly worded resolution to that effect. Cave did not cease to publish his reports, but he employed the subterfuge of disguising the locale and the names of the speakers. In 1747 Cave was in trouble with the House of Lords for publishing an account of Lord Lovat's trial, and he did not resume his reports until 1752, after which he seems to have carried on unmolested.

See also PRESS AND PARLIAMENT.

**CAVENDISH, SIR HENRY (1732-1804)**

The Member of the House of Commons for Lostwithiel in the Parliament of 1768 to 1774, who distinguished himself by reporting the debates of that Parliament. His record runs from 10 May 1768 to 13 June 1774, and consists of forty-eight small quarto volumes, which are lodged in the British Museum. He took his notes in Gurney's system of shorthand, and a portion of the existing manuscript remains in the shorthand form. He recorded many of the speeches of the most eminent parliamentarians of the day, and in particular those of Edmund Burke. It is due to Cavendish that any record at all exists of the proceedings of the so-called Unreported Parliament (q.v.).

**CENSURE, VOTE OF**

See VOTE OF CENSURE.

**CENTRAL HALL and CENTRAL TOWER, PALACE OF WESTMINSTER**

The Central Hall is octagonal in shape, 75 feet high and 60 feet across. Four arched doorways at the north, south, east, and west of the Hall lead respectively to the Members' Lobby, House of Commons

## Ceylon Parliament

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the House of Lords; the Lower Waiting Hall, libraries, and dining-rooms; and St. Stephen's Hall (q.v.). Constituents visiting their Members of Parliament are normally directed to the Central Hall.

The Central Tower stands above the Central Hall and is 300 feet high and 75 feet across.

## CEYLON PARLIAMENT

Ceylon became a self-governing Dominion in the British Commonwealth on 4 February 1948; following the passing by the U.K. Parliament of the Government of Ceylon Act in 1947. It has a bicameral legislature—a Senate of 30 members, half elected by the Lower House and half nominated by the Governor-General, and a House of Representatives with 101 members. Ninety-five of these are elected by universal suffrage and 6 nominated by the Governor-General. The Senate is a permanent body, not subject to dissolution, and Senators are appointed for six years, one-third retiring every second year. The control of the Government is vested in the Cabinet of 14 ministers, the Prime Minister being also in charge of Defence and External Affairs. Not fewer than 2 ministers, one of whom is Minister of Justice, must come from the Senate. An unusual provision of Ceylon's Constitution is that if after any General Election the Governor-General is satisfied that any important interest in the island is not represented, he may appoint up to 6 persons to be members of the House of Representatives.

(Further reading: Namasivayam, *The legislatures of Ceylon*, 1951.)

## CHAIRMAN OF COMMITTEES, HOUSE OF LORDS

A peer is appointed Chairman and first of the Deputy Speakers at the beginning of each session, or whenever the office becomes vacant. He takes the chair in all Committees of the Whole House, and he is also Chairman of all other committees of the House on Private Bills and other matters, unless the House directs otherwise. An important duty of the Lord Chairman is the supervision of Private Bills, and copies of these are supplied to him and his Counsel at each stage of the proceedings upon them. From the date of the institution of his office in 1800 this supervisory function was performed by the Lord Chairman alone, but as Private Business had increased in importance, the Commons decided in 1848 to entrust their Chairman of Ways and Means with a similar duty. In divisions the vote of the Lord Chairman, like that of the Speaker of the House of Lords, is taken in the House.

The Lord Chairman draws a salary of £3,250 a year.

## CHAIRMAN OF WAYS AND MEANS

The member of the House of Commons who presides over a Committee of the Whole House (q.v.). When the House goes into

committee the Speaker leaves the Chair and the Chairman of Ways and Means takes his place, not in the Speaker's Chair but at the Table of the House. At the same time the Mace is removed from the brackets on the Table and placed in those beneath the Table.

The Chairman presides in committee with the same impartiality as the Speaker in the House and his authority is final. There is no appeal from his rulings to the Speaker, he is empowered to accept the closure and to select amendments, and his conduct cannot be questioned except on a substantive motion. He is not empowered to inflict any serious form of punishment, but he can direct a member to withdraw. In committee he has a casting vote only, but when the Speaker is in the Chair his status is the same as that of any other member.

Unlike the Speaker, the Chairman is attended by no ceremonial and he wears neither wig and gown nor any other special form of costume. He and the Deputy Chairman are appointed for the duration of a Parliament and are nominated by the Government from among its own supporters. Care is usually taken, however, to select candidates who are acceptable to the Opposition in order to secure a unanimous vote, and they seldom take an active part in political controversy. Their seats are nevertheless liable to be contested at General Elections, and they are unlikely to be reappointed by the next Parliament in the event of a change of Government.

Before 1841, the Chairman of Ways and Means, as his title implies, was Chairman of the Committee of Ways and Means only, but since that year he has acted as Chairman of all other Committees of the Whole House as well. Since 1910 he has been appointed at the beginning of each Parliament on a motion by the Leader of the House. Under the earlier practice the Leader of the House called upon a member to take the Chair after the House had resolved itself into a committee, and if another member was also nominated, the Speaker resumed the Chair and a vote was taken.

The Chairman of Ways and Means is also the Deputy Speaker (q.v.) and when acting in this capacity he occupies the Speaker's Chair. When presiding in committee he is addressed by name.

The Deputy Chairman was first appointed in 1902, and in the absence of the Chairman of Ways and Means he exercises the full powers of the latter, including his powers as Deputy Speaker. In the absence of both the Chairman and Deputy Chairman the Chair is taken by one of the members on the Chairmen's Panel (q.v.).

The Chairman of Ways and Means is also charged with special responsibilities in connexion with Private Business (see PRIVATE BILLS).

The Chairman and Deputy Chairman are paid salaries of £3,250 and £2,500 per annum respectively which are provided for in the Estimates and not, like the Speaker's salary, charged on the Consolidated

## Chairmen's Panel

Fund. They are entitled in addition to £750 of their parliamentary salaries.

## CHAIRMEN'S PANEL

A panel consisting of not less than 10 experienced Members of the House of Commons who are nominated by the Speaker at the commencement of each session to act as temporary Chairmen in Committees of the Whole House (q.v.) and as the regular Chairmen of Standing Committees (q.v.). The panel, of whom 3 form a quorum, settle points of procedure which are not covered by the rules of the House, and are empowered to report to the House from time to time any resolutions they may come to on matters of procedure relating to Standing Committees. A member of the panel acting as Chairman in Committee of the Whole House is not empowered to accept a motion for the closure (q.v.) or to select amendments.

## CHAMBER

The majority of the Parliaments of the Commonwealth favour the type of debating chamber for which the House of Commons provides the model—one of rectangular shape with rows of benches facing each other along each of the longer sides. In some of the smaller legislatures, e.g., the Federal Assembly of the Federation of Rhodesia and Nyasaland, members enjoy the luxury of individual chairs and desks. The continental semi-circular assembly, where members address the House from a rostrum, would be very much out of keeping with British parliamentary customs. In the course of a speech during a debate on the rebuilding of the House of Commons in 1943, Sir Winston Churchill said that the semi-circular Chamber 'appeals to political theorists, enables every individual or group to move round the centre, adopting various shades of pink according as the weather changes'. The British type of Chamber has undoubtedly encouraged the growth of two main parties instead of the numerous groups, many of them splinter factions, often found in foreign Parliaments. Having advocated the retention of the rectangular Chamber, Sir Winston went on to say that 'a Chamber formed on the lines of the House of Commons should not be big enough to contain all its members at once without overcrowding, and there should be no question of every member having a separate seat reserved for him. If the House is big enough to contain all its members, nine-tenths of its debates will be conducted in the depressing atmosphere of an almost empty or half-empty Chamber. The essence of good House of Commons speaking is the conversational style, the facility for quick, informal interruptions and interchanges. Harangues from a rostrum would be a bad substitute for the conversational style in which so much of our business is done. But the conversational style requires a fairly small space, and there should be on great occasions a

sense of crowd and urgency.' The present House of Commons, with its large membership and restricted accommodation, fulfils all the requirements alluded to by Sir Winston. It is interesting to note that these debating traditions, so characteristically British, developed quite accidentally. When in 1547 King Edward VI allotted St. Stephen's Chapel to the Commons as their permanent debating Chamber it so happened that the chapel provided the very conditions calculated to encourage the type of discussion described by Sir Winston.

## CHANCELLOR OF THE DUCHY OF LANCASTER

The Duchy of Lancaster estates and revenues are nominally controlled by the holder of this office, and he performs various duties such as appointing County Court Judges, which in other counties devolve upon the Lord Chancellor (q.v.) and the Home Secretary (q.v.). The Chancellor is appointed by letters patent and the delivery of the Seal of the Duchy. He has no heavy departmental duties and all but formal matters are dealt with by a small staff under the direction of the Vice-Chancellor. The Chancellor is thus available to perform a variety of temporary and pressing duties which are not assigned to any particular minister, such as membership of Government committees. Earl Winterton was given the office in 1938 with a seat in the Cabinet, to answer in the Commons (he was then an Irish peer and eligible to sit in the Commons) for the Air Ministry, whose head was then in the Lords. In 1953 Lord Woolton combined the office of Chancellor with that of Minister of Materials. The salary attached to the office is £4,000, and £5,000 if the holder is a member of the Cabinet. If he sits in the House of Commons he also draws £750 of his parliamentary salary.

The estates and jurisdiction of the Duchy and County Palatine of Lancaster have been attached to the Crown since 1399, but the Lancaster inheritance goes back to 1265.

A chronological list of Chancellors of the Duchy of Lancaster appears as Appendix 14.

## CHANCELLOR OF THE EXCHEQUER

Britain's Finance Minister, who is in control of the imposition of taxes and the expenditure of national revenue. He is always one of the Commission of the Treasury (q.v.) and he is appointed Chancellor of the Exchequer and Under Treasurer by separate patents, and by the receipt of the Exchequer Seals. Originally Clerk to the Lord Chancellor, he came into existence during the reign of Henry II, when, the Great Seal being no longer used for Exchequer business, he was appointed to take charge of the Seal of the Exchequer and to keep a check on the Treasurer. He also had to discharge certain judicial functions in the Exchequer account—his more strictly financial duties then belonged to the Under Treasurer, which office he now includes with his own. The

## Chancellor of the Exchequer

position of Chancellor of the Exchequer was not of great importance so long as the Treasury Board was in active working, but the meetings of the Board, consisting of the King (up to the accession of George III), the Lords of the Treasury, and the Chancellor of the Exchequer, became merely formal early in the 19th century and were discontinued in 1856. As the Treasury Board diminished, so the Chancellor of the Exchequer has risen in importance. While the duties of the old Exchequer were to the Crown, the duties of the Treasury and the Chancellor of the Exchequer are to the taxpayer. It is the Chancellor's business when he knows the amount of the public income, and the extent of the demands upon it, to adjust revenue to expenditure, to raise or remit taxation as the occasion may justify, and to discover how the largest amount of money may be raised by the cheapest methods and with the least effect on the economy and general prosperity of the country. The Chancellor steps into the limelight once a year when he presents his Budget (q.v.), which reviews the financial position of the country and contains his proposals for taxation during the ensuing year, for which he must obtain the assent of Parliament.

The work of the Chancellor is not only arduous but sometimes rather thankless, and its results are often not very favourably received—Gladstone called his office 'the most unpopular of the State', but went on to say that the only two Chancellors against whom he had never heard a word said were 'the two worst Chancellors of the Exchequer of the last forty years'. Anson says that 'the Chancellor and his staff may be regarded as living in perpetual vigilance against servants of the State, who want more pay than the Treasury thinks the country can afford—against departments of government, which want more money than the Chancellor is prepared to ask Parliament to grant—against the House of Commons, which contests the amount demanded, and the mode in which it is proposed to be raised—and against the taxpayer who wishes to have everything handsome about him, and does not like to pay for it'.

There remains very little of the judicial power formerly possessed by the Chancellor. He sat with the Barons of the Exchequer when that Court sat as a Court of Equity, but this jurisdiction was taken away in 1841, and in 1873 the Judicature Act excluded the Chancellor from judicial powers in the High Court or Court of Appeal. But in the appointment of Sheriffs, which takes place at the High Court of Justice on 12 November each year, the Chancellor takes his old place as though in the old Exchequer of account among the judges and Great Officers of State. The salary of the Chancellor is £5,000, and like all other ministers in the House of Commons he draws £750 of his parliamentary salary. He has an official residence at 11 Downing Street.

A chronological list of Chancellors of the Exchequer appears as Appendix 16.



## CHANDLER, RICHARD (d. 1744)

- The compiler of an extensive collection of House of Commons debates which was published in 1742-4 under the title, *The History and Proceedings of the House of Commons from the Restoration to the present time, containing the most remarkable motions, speeches, resolves, reports, and conferences so be met with in that interval*. It ran to fourteen volumes. A companion work, entitled *The History and Proceedings of the House of Lords from the Restoration in 1660 to the Present Time*, was published in eight volumes by Ebenezer Timberland in 1742-3. This latter work is sometimes erroneously ascribed to Chandler. According to the *Dictionary of National Biography*, its publication was accompanied by an announcement from Timberland to the effect that the good reception which Chandler's work had enjoyed had induced him (Timberland) to publish the debates of the House of Lords during the same period.

The Debates of Chandler and Timberland form one of the sources from which Cobbett and Wright compiled the *Parliamentary History* (q.v.).

## CHANNEL ISLANDS LEGISLATURES

The structure of the Channel Islands' government is based on that of feudal Normandy, of which Duchy they were once part, and their legislatures owe very little to Westminster. The islands in fact are not part of the United Kingdom, but occupy a political status in the Commonwealth somewhere between a fully self-governing member and a Crown Colony, and are quite independent in all matters of domestic policy. The Queen is still regarded in the Channel Islands as the Duchess of Normandy. The feudal atmosphere continued for many years, and until very recently only a privileged few were eligible for election to the legislatures. In Jersey and Guernsey these are called the Assembly of the States, and are presided over by their respective Bailiffs, who are appointed by the Crown. The two Lieutenant-Governors are the personal representatives of the Sovereign, and are the channel of communication between the U.K. Government and the island legislatures—there is a Standing Committee of the Privy Council which deals particularly with Channel Islands affairs. The Lieutenant-Governors summon the States and have powers, subject to the U.K. Home Secretary and Secretary of State for War, in relation to the preservation of peace and defence. The right of the U.K. Parliament or the Queen in Council to legislate for the Channel Islands is denied by the Islanders, and although there can be no real doubt of the legislative competency of Parliament, the efficacy of legislation by prerogative Orders in Council is uncertain. In practice the consent of the States is obtained, and the statute or order is given legal effect by

registration in the local Royal Court. As the result of the Report of the Committee of the Privy Council on Proposed Reforms in the Channel Islands (Cmd. 7974), which reforms were adopted in 1948, the States of Jersey now consists of the Bailiff as President, 12 Senators (elected for nine years, 4 retiring every third year), 12 Constables (triennial), and 28 Deputies (triennial). All these are elected on a universal adult suffrage. The Dean of Jersey, the Attorney-General, and the Solicitor-General also have seats, but no votes. Permanent legislation, but not certain temporary laws, requires the assent of the Queen in Council, and if the Lieutenant-Governor vetoes, or the Bailiff dissents from, proposed legislation it is suspended for the consideration of the Queen in Council. The Guernsey Legislative Assembly (the States of Deliberation), whose Constitution was amended at the same time, comprises the Bailiff as President, 12 Conseillers, 33 People's Deputies, 10 Douzaine (parish council) representatives, and 2 Alderney representatives. The Lieutenant-Governor and the law officers also have seats, and may speak but not vote. The Conseillers are elected by the States of Election, which consists of the Conseillers, the Jurats (magistrates who themselves are elected by the States of Election), the Rectors, the Crown officers, the People's Deputies, 34 Douzaine representatives, and, for the election of Conseillers only, 4 Alderney representatives. Most proposed laws are initiated by the various States Committees, the presidents of which are in fact ministers. There is a special provision for certain Acts of the U.K. to be registered and adopted when they are of mutual interest, such as the Copyright Act and the Civil Aviation Act.

Procedure in Jersey was laid down by the Code of 1771, and Bills (or *Projets du Loi*) are Lodged *au Greffe* (the *Greffier* is the Clerk and the *Greffe* the Clerk's office) for fourteen days after presentation, during which time they are printed and circulated to members. The formal first reading follows, and the Bill is discussed in detail on second reading and any amendments proposed. If they are accepted, the Bill is lodged for a further fourteen days before the third reading, when it is passed or rejected as amended. When there are no amendments a Bill may pass its second and third readings on the same day. Bills which have become Acts of the States go to the Lieutenant-Governor for the Royal Assent and become law on registration by the Royal Court which, although administering justice, still retains this vestige of its former legislative powers. The States were originally an advisory body to the Royal Court, and in Guernsey all legislation is theoretically derived from it.

Although Alderney has its States—a President and 9 elected members—it has become since 1949 even more a subsidiary of Guernsey, to whose States it sends 2 representatives. The Sark Legislature is the Court of Chief Pleas, consisting of the Seneschal as President,

40. tenants, and 12 deputies elected by the remainder of the Islanders. Laws passed by the Guernsey States can be applied to Sark after ratification by the Chief Pleas.

## CHAPLAIN TO THE SPEAKER

*See* SPEAKER'S CHAPLAIN.

## CHARGES UPON THE PEOPLE

*See* WAYS AND MEANS.

## CHARITY COMMISSIONERS

The Charitable Trusts Act, 1853, appointed a Board of Commissioners to inquire into the condition and management of charities in England and Wales. Contrary to the usual practice where such boards are concerned, one of the Charity Commissioners is a Member of Parliament. He is unpaid in his capacity of Charity Commissioner, otherwise he would be disqualified from membership as holding an office of profit under the Crown, and he is appointed like a minister by the political party in power. He is responsible to Parliament for the Commissioners, and answers questions in the House on any matter which comes within their province.

## CHARLES I (1600-1649) AND PARLIAMENT

Charles I succeeded to the throne on 27 March 1625, and was at variance with Parliament from the outset of his reign. Like his father, James I, he was a firm believer in absolute sovereignty and equally unsympathetic to the claims and aspirations of the Commons. It was inevitable, therefore, that the great constitutional conflict between Crown and Parliament should continue unabated throughout his reign, and develop into an issue upon which there could be no compromise. During the years Charles occupied the throne the struggle went far beyond the traditional dispute between the King asserting his prerogative and Parliament its privileges and resolved itself into the momentous issue of absolutism as opposed to popular government, or tyranny versus liberty. The fatal climax which brought the King to the scaffold was due as much to Charles's unfortunate character as to any other factor. Although a man of culture and personal virtue, his failings could only spell disaster to one on whom destiny had thrust the rôle of a King. He preferred intrigue to honest negotiation and regarded subterfuge as the natural solution to any problem. He would give any promise in order to gain his own ends and subsequently break it as lightly as he had made it. He lacked shrewdness, perception, and imagination. A dogmatic advocate of the Divine Right of Kings, he could not believe that an opposing view could be sincerely held.

He constantly repeated his errors and could never learn from experience. Such a man on the Throne of England at such a time in the nation's history was inevitably ill-fated.

Charles's breach with Parliament originated before he had even ascended the throne. On 9 April 1624, he had made a solemn promise in the presence of the Commons to the effect that no concessions would be granted to British Catholics in the event of his marrying a Catholic. A few months later he violated this undertaking by agreeing to a secret clause in his marriage treaty with Henrietta Maria guaranteeing protection to Catholics at home, a guarantee he was later to repudiate in order to appease his first Parliament. Parliament thus had cause to mistrust the King from the very beginning.

Charles summoned his first Parliament on 18 June 1625. It was a Parliament grimly resolved to abolish the abuses of the prerogative and to use for the purpose its one effective weapon, the power to withhold Supply. Consequently, although the King made it clear that he required substantial grants in order to prosecute a war with Spain, the subsidies voted by the Commons were extremely meagre; moreover they took the bold step of granting to the King for only one year instead of for life the proceeds from the taxes known as tonnage and poundage, thus departing from the precedent of two centuries. The King was much taken aback, and when Parliament next met he was further incensed by the Commons, who proceeded to make known their distrust of his favourite counsellor, Buckingham, and demanded the replacement of this minister. The King replied by dissolving Parliament on 12 August.

Having failed to raise the money he required by other means, the King was forced to call his second Parliament on 6 February 1626. The Commons immediately asserted their right to question the conduct of Buckingham, but the King insisted that his executive government was not subject to parliamentary control and arrogantly informed the Commons that he would not tolerate their interference in the appointment of his ministers. He also claimed that the summoning and dissolving of Parliaments lay within his discretion and that they would remain or depart according to whether he liked or disliked their works. The reply of the Commons was to impeach the King's favourite. Furious at having his will disregarded, Charles impulsively ordered the arrest of Sir John Eliot and Sir Dudley Digges, two of the managers of the indictment, but was compelled to release them upon the Commons resolving 'not to do any more business until they are righted in their privileges'. At the same time Charles violated the privileges of the House of Lords, firstly by imprisoning the Earl of Arundel for an offence concerning the marriage of his son, and secondly by refusing a writ of summons to the Earl of Bristol, who had brought charges against Buckingham. In the face of the Lords' protests Charles was

forced to yield to the upper House also, and to evade his difficulties and to save Buckingham he dissolved Parliament on 15 June. He refused a request by the Lords for a longer sitting, and on the Commons preparing a remonstrance in vindication of their proceedings he ordered the document to be burned.

Driven by his necessities, the King now resorted to illegal means to obtain money. He determined upon a forced loan, rich and poor alike being required to contribute to it. This tyrannical imposition was vigorously resisted, and amongst those who were imprisoned for refusing to subscribe were John Hampden and Sir Thomas Wentworth, who was later to become the Earl of Strafford and desert the popular cause for that of the King. A great constitutional issue was raised as a result of these arbitrary imprisonments when five gentlemen sought redress in the Court of King's Bench on the ground that their commitment was a violation of Magna Carta. Judgment was given for the Crown, but when the next Parliament was summoned the Commons were not to let the matter rest. Having failed to raise sufficient funds by his oppressive measures and the urgency of his situation being aggravated by a war with France, Charles called his third Parliament on 17 March 1628. The Commons immediately proceeded to pass resolutions complaining of their grievances, foremost amongst which were the matters of arbitrary imprisonment and taxation without the consent of Parliament. It was in this Parliament that Wentworth emerged as a leader and it was under his guidance that a Bill was brought in to secure the liberties of the subject. The King was unwilling to make any concessions on the matter of imprisonment, and on Wentworth's Bill being dropped the Commons drew up the famous Petition of Right (q.v.), which has been described as the greatest statutory vindication of the liberties of the subject since Magna Carta. It went further than Wentworth's Bill, for in addition to prohibiting unparliamentary taxation and imprisonment without warrant, it forbade the enforcement of martial law and the compulsory billeting of soldiers during peacetime. Sir Edward Coke proposed that the Lords should be asked to support the Commons, and the Petition of Right was agreed to by both Houses. Realizing the strength of the opposition ranged against him and being desperately in need of money, Charles, after a characteristic attempt at evasion, assented to this great statute, and the Commons voted him his subsidies.

Serious disputes remained outstanding between the King and Parliament, however. The matter of tonnage and poundage continued to be a contentious problem, for the King had been receiving the proceeds from these taxes without parliamentary sanction, and the Commons were determined to maintain parliamentary control over this grant. They proposed to continue the practice of granting tonnage and poundage for one year at a time, and on the King rejecting the proposal

they reminded him that to receive the proceeds from any taxes without the consent of Parliament was contrary to the Petition of Right. The King protested that to take away the benefits derived from tonnage and poundage was to remove the Crown's chief source of income, and on 26 June he prorogued Parliament. Parliament met again on 20 January the following year under circumstances aggravated by a serious religious problem. There had arisen in opposition to the Puritans an Anglo-Catholic faction known as the Arminians, who were regarded by many as 'papists in disguise and consequently as traitors'. They aimed to alter the established form of worship and introduce ceremonial into the churches, and with the active support of the King and under the leadership of William Laud, who eventually became Archbishop of Canterbury, their influence was steadily increasing. In 1628 the Commons, who were predominantly Puritan, had protested against Laud's influence, had called for the absolute suppression of Arminian teaching, and had adopted a resolution expressing their adherence to the articles of religion established under Elizabeth. Furthermore, Arminian doctrine was repugnant to the Commons on political as well as religious grounds since it favoured the principle of absolute sovereignty. Completely disregarding their feelings in the matter, Charles created Laud Bishop of London. The circumstances under which Parliament reassembled in 1629 were thus far from favourable to the possibility of conciliation between the King and the Commons. The King's religious policy was obviously not calculated to induce the Commons to come to terms with him on the matter of tonnage and poundage, and these disputes came to a head on 2 March 1629, when an extraordinary incident took place in the House of Commons. The House having assembled, the Speaker, Sir John Finch, announced that it was the King's wish that the House should adjourn and proceeded to put the question to that effect. There were cries of 'No!' from the members and Sir John Eliot rose to speak. Finch informed the House that he had been commanded by the King to leave the Chair should anyone attempt to speak and he rose accordingly. Tumult followed, and several members rushed forward and forcibly held the Speaker down in the Chair, Holles declaring that he should sit there until it pleased them, the Commons, to adjourn. Eliot then spoke, asserted the right of the House to adjourn itself, and tendered a protestation which he demanded should be put to the vote. The Speaker, abject and in tears, refused to obey any but the King's commands. Meanwhile the King, who was growing impatient, sent for the Serjeant-at-Arms to bring away the Mace. The Commons permitted the Serjeant to depart but refused to relinquish the Mace, without which the House could not be constituted. The Gentleman Usher of the Black Rod was then heard knocking at the door, but the House refused to admit him. In the midst of the uproar, Holles proceeded to deliver Eliot's protestation from memory,

which according to the Parliamentary History (q.v.) ran as follows:

Whosoever shall bring in innovation in religion, or by favour seek to extend or introduce popery or Arminianism, or other opinions disagreeing from the true and orthodox Church, shall be reputed a capital enemy to this kingdom and the commonwealth.

Whosoever shall counsel or advise the taking and levying of the subsidies of tonnage and poundage, not being granted by Parliament, or shall be an actor or an instrument therein, shall be likewise reputed an innovator in the government and a capital enemy to this kingdom and commonwealth.

If any merchant or other person whatsoever shall voluntarily yield or pay the said subsidies of tonnage and poundage not being granted by Parliament, he shall likewise be reputed a betrayer of the liberty of England and an enemy to the same.

Holles himself put the resolutions to the vote, the Speaker maintaining his refusal to fulfil his functions. They were carried by the House, which then voted its own adjournment.

On 10 March the King formally dissolved Parliament. He issued a declaration justifying his conduct in which he claimed that precedent entitled him to levy tonnage and poundage on his own authority, and alleged that the Commons had turned the matter into a pretext for their behaviour. He then turned his vengeance upon the leaders of the popular cause, and Eliot, Selden, Holles, Strode, and Valentine, amongst others, were committed to prison. Wentworth had by this time forsaken Parliament for the Crown and had become one of the King's ministers, Buckingham having been assassinated during the parliamentary recess. Various charges were framed against the prisoners, for even Charles felt it necessary to show some cause for their arrest so soon after consenting to the Petition of Right, but when brought to trial most of them pleaded parliamentary privilege and declined to return any other answer to the charges. The judges upheld the Crown and condemned them to imprisonment during the King's pleasure. Holles was released upon making submission, but Eliot remained in prison until his death in 1631, Selden was not released until 1633, and Strode and Valentine remained incarcerated until 1640. It was not until 1667 that these judgments were formally reversed by resolutions agreed to in both Houses of Parliament.

Having made known his absolute power in the calling and dissolving of Parliaments, Charles determined to govern without them, and for the next eleven years, the longest such period in English history, he did so. To raise money he again resorted to illegal methods. He enforced the payment of tonnage and poundage, introduced compulsory knighthoods, revived monopolies and the ancient forest laws, and exacted ship-money. Amongst those who resisted the latter tax was John Hampden, judgment being given against him but later reversed by the Long Parliament (q.v.). During this period also the people

were further antagonized by the savage sentences inflicted by the Court of Star Chamber upon Puritans whose religious writings had given offence, and by the King's ecclesiastical policy generally as exemplified by the hated Laud, who in 1633 was promoted to the see of Canterbury. Their attempt to extend this policy to Scotland enflamed the resentment of the northern kingdom to an even greater extent. The final straw was an attempt to impose a new liturgy upon the churches of Scotland, an unwarrantable interference in the established form of worship which led, first, to the adoption of the National Covenant which pledged its signatories to resist this incursion to the death, and eventually, in 1639, to war. In the meantime Ireland was suffering under the oppressive administration of Strafford.

Although he was rigidly enforcing his exactions, lack of money remained the King's most pressing problem. He therefore decided to call a Parliament and seek the means to wage an effective war with Scotland. On 13 April 1640, Charles's fourth Parliament, the Short Parliament (q.v.), was opened. The Commons, however, were in sympathy with the Scots, and not only refused to grant Supply before their grievances were redressed but called for an end to the war with Scotland. On 5 May, to the exasperation of the Commons, Charles dissolved the Short Parliament and proceeded with the war, relying upon illegal exactions and some grants which Strafford had wrung from the Irish Parliament. These resources were soon exhausted and on 24 September Charles summoned together a Great Council of Peers at York to which he appealed for support. The Lords declined their assistance, and the King was left with no alternative but to call another Parliament.

Charles's fifth Parliament, that historic assembly which has become known as the Long Parliament, met on 3 November 1640. The King was disposed to be conciliatory, but he had gone too far and the Commons were beyond being pacified and were bent upon the removal of their grievances. A number of reforms were immediately introduced which the King was unable to resist. The Triennial Bill provided that the interval between Parliaments should never exceed three years; another Bill required the consent of Parliament to a dissolution, thus placing an effective, if unconstitutional, check upon the Royal Prerogative; the levying of ship-money and all other irregular means of raising money were declared illegal; the right of the Commons to impose taxation and appropriate supply was reasserted, and the payment of tonnage and poundage and all other duties was declared illegal without the consent of Parliament; the Star Chamber and other special courts with arbitrary powers were abolished. Concurrently with these measures, the Commons inquired into the conduct of Strafford in Ireland. He was first impeached, then, on the suggestion of Pym, proceeded against by way of a Bill of Attainder, the main charge



against him alleging his intention to bring over an Irish army in order to crush the people of England. The Bill was passed in the Commons by 204 votes to 59, and was eventually agreed to in the Lords by the small majority of 26 votes against 19. Strafford's Attainder Bill was the first measure other than a Money Bill which the Commons considered line by line in a Committee of the Whole House (q.v.). The King had promised Strafford that Parliament should harm not a hair of his head, but fearing that the mob which was demonstrating in Whitehall would imperil the life of the Queen, he reluctantly assented to the Bill and signed his minister's death-warrant. The impeachment of Laud quickly followed that of Strafford, and the Archbishop lay in prison until he was proceeded against in December 1644, and executed the following month.

The King was thus considerably divested of his arbitrary power, and a more reasonable man would probably have submitted to the restraints imposed upon him by the will of an almost unanimous people. Charles, however, his hatred of the parliamentary leaders enflamed by the execution of Strafford, accepted the limitations upon his authority with mental reservations and thought only of seeking a means of recovering his position. It was on the question of church administration that he recognized an opportunity of rallying adherents to his cause. An acute religious issue had developed within the Commons and parties had begun to form on either side. The Puritan majority favoured the total abolition of episcopacy, whilst the opposite group, although opposed to the doctrines of Laud, advocated moderate church reform and the retention of the bishops. The division between the two factions was not slow to widen, and the minority formed themselves into a constitutional Royalist party. They were strongly supported in the House of Lords, where the reformers were headed by Bishop Williams, and Charles saw that his best hope of regaining his lost authority lay through an alliance with this movement. In the Commons a Bill to abolish episcopacy 'root and branch' passed its second reading but was dropped in committee. It was followed by a Bill to exclude the bishops from the House of Lords, which passed the Commons but was rejected by the upper House. In the meantime Charles went to Scotland hoping to gain the support of the Presbyterians whom he had so recently offended. His mission was attended with signal failure, and he became suspected of being involved in a plot, known as 'The Incident', to seize the Scottish opposition leaders. Shortly afterwards he was suspected of attempting to win over the Irish Catholics with a promise of freedom for their religion. The Irish, however, so recently the victims of Strafford's tyranny, saw their opportunity to shake off a hated foreign rule while Britain was torn by internal strife, and chose to rebel rather than trust the King. The rising was terrible in its magnitude and was only finally suppressed by Cromwell nine years later.

These events made the Commons more distrustful of the King than ever and gave rise to the Grand Remonstrance (q.v.). This document commenced with a recital of the King's misdeeds and the state of the nation, and continued with a statement of the reforms which had been effected by Parliament and those which were still required. It was vigorously opposed by the Royalist leaders in the Commons, but was eventually passed by the small majority of 159 votes against 148. Another division was taken on a motion that the remonstrance should be printed and was carried, having previously been defeated, by 135 votes to 83. The effect of the resolution was to turn the remonstrance into a direct appeal to the nation, a decision which hopelessly widened the breach between the King and Parliament and made Charles fearful of the lengths to which the Commons were prepared to go. It was rumoured that the leaders of the majority were preparing to impeach the Queen, whose intrigues on behalf of Catholics and whose influence over the King were well-known, and Charles decided to forestall his adversaries. He ordered the arrest of five of the most powerful leaders of the majority in the Commons, Pym, Hampden, Holles, Haselrig, and Strode, and one peer, Lord Mandeville, who had identified himself with their cause. They were charged on seven treasonable counts, including the subversion of the government and laws of England, incitement to riots, and even with the actual levying of war against the King. On 3 January the Attorney-General laid the charges before the Lords, who appointed a committee to inquire into the matter. In the Commons, meanwhile, Pym made it known that his study and chamber and those of Hampden and Holles had been sealed by command of the King, which the House declared to be a breach of both law and privilege. Whilst the Commons were thus deliberating, the King's Serjeant-at-Arms arrived with orders to arrest the five members. The House returned a deputation to the King stating that the demand concerned their privileges and an answer would be given as speedily as so important a matter would allow. The Speaker commanded the five members to remain in daily attendance and gave orders that the seals in their houses should be broken.

On the following day, 4 January 1642, Charles made a characteristically foolish and impulsive decision. He resolved to go in person to the House of Commons, attended by an armed escort, and seize the five members where they sat. News of the King's intention reached the Commons, however, and the five members were given leave to absent themselves. Arriving at Westminster Hall, Charles signed to his followers to remain in the hall and in the lobby, and entered the Commons Chamber alone, the first Sovereign ever to cross the Bar of the House of Commons, and the last. Tense silence greeted his entry as Speaker Lenthall stepped down from his Chair to meet the King. 'By your leave. Mr. Speaker, I must borrow your Chair a little.'

were the King's first words. He then apologized for his visit, assured the Commons that he had no intention of violating their privileges, but reminded them that persons guilty of treason had no privileges. He then called on Pym and Holles by name, but receiving no reply he turned to the Speaker and asked him if any of the five members were present. Falling upon his knees, Lenthall delivered his historic reply: 'May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here; and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.' For a moment the King was nonplussed, but maintaining his dignity he rejoined: 'Well, I see all the birds are flown. I do expect from you that you shall send them unto me as soon as they return hither. If not, I will seek them myself, for their treason is foul and such as you will thank me to discover.' The King left the Chamber pursued by cries of 'Privilege, privilege!'

4 January 1642 was a momentous day in the annals of parliamentary history. In forcing his way into the Commons Chamber, Charles was unquestionably guilty of an outrageous breach of privilege, and through the mouth of their Speaker the Commons had successfully upheld their rights. Furthermore, in attempting to prosecute commoners before the Lords otherwise than on the impeachment of the House of Commons, the King's conduct was unparalleled in that it violated the traditional law which entitled every man to be tried by his peers. The Commons were not slow to make known their views on the matter. They are amply stated in the entry in the Journal for the following day, which also records the measures which were taken to guard against a recurrence of the outrage.

All hope of conciliation between the King and Parliament was now extinguished and the Civil War soon followed. Early in March, both Houses of Parliament concurred in a resolution that the state should begin defence preparations. The King issued a counter declaration, to which Parliament replied on 17 March with the resolution 'that when the Lords and Commons in Parliament, which is the Supreme Court of Judicature in the kingdom, declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command given that it shall not be obeyed, is a high breach of privilege'. This was the point of the final rupture, although it was five months before hostilities actually broke out. In the meantime both sides manoeuvred for military advantages and public support, and on 2 June Parliament issued its final demands embodied in the famous Nineteen Propositions (q.v.). There was no possibility of the King accepting them, and on 22 August he raised his standard at Nottingham and the Civil War began. On 14 June 1645, the Cavaliers were decisively beaten by Cromwell's forces at Naseby and a parliamentary victory.

## Charles I (1600–1649) and Parliament

was assured. Meanwhile the Solemn League and Covenant had been concluded, uniting England and Scotland in a common cause and in favour of the reformed religion. The King surrendered to the Scots, who delivered him to the English Parliament.

By this time dissension had developed within the Commons between the Presbyterians and the Congregationalists or Independents, and Charles hoped to turn their quarrel to his own advantage. The Presbyterians did not support the total abolition of the monarchy and in Cromwell and the Independents they recognized dangerous opponents. Although the Presbyterians held the majority in Parliament, the Independents controlled the army, and the former realized that if the power of Cromwell and his followers was to be reduced it would be necessary to disband the army. The army, however, seized the initiative and brought the King to London, where they assumed command. They proceeded to intimidate Parliament and establish military authority. Charles, pursuing his favourite policy of intrigue, negotiated with both parties independently, and undeterred by the discovery of the notorious Glamorgan Treaty he continued to correspond secretly with the Irish Catholics. Exasperated by his duplicity, Parliament and the army were induced to come to terms and they agreed on new proposals. The extreme republicans in Cromwell's party would not hear of any agreement with the King who, fearing for his safety, fled to the Isle of Wight. From here he offered fresh proposals to Parliament containing a number of concessions, but Parliament had lost patience. The Commons embodied their own proposals in four Bills which demanded the complete sovereignty of Parliament, including permanent control of the army. Charles rejected the Bills and, as far as Cromwell's party were concerned, lost his last chance.

On 3 January 1648, the House of Commons resolved to discontinue all negotiation with the King. The Scots were disturbed by the trend of events, however, and concluded a secret treaty with the King, a development which led to the second Civil War in which Cromwell marched north and decisively defeated the Scottish Presbyterians. During Cromwell's absence in the north, the English Presbyterians reopened negotiations with Charles which led to an alliance known as the Treaty of Newport. But the army, now in complete command of the situation, refused to consider any agreement. They were determined to bring the King to trial, but they realized that if the consent of the House of Commons was to be secured it would be necessary to exclude the Presbyterians from Parliament. This exclusion was accomplished on 6 December 1648, by the unconstitutional proceeding known as Pride's Purge (q.v.), when all members who favoured coming to terms with the King were forcibly prevented from entering the House. Henceforth the King was doomed. All former votes in favour of a treaty were annulled, and on 2 January 1649 a House of Commons

unanimously hostile to the King resolved 'that by the fundamental laws of this kingdom, it is treason in the King of England, for the time being, to levy war against the Parliament and Kingdom of England'. Simultaneously they brought in a Bill constituting a High Court of Justice for the purpose of trying and judging Charles Stuart, King of England. Both resolution and Bill were rejected by the Lords, and on 4 January the House of Commons resolved 'that the Commons of England, in Parliament assembled, do declare that the people are, under God, the original of all just power. And do also declare, that the Commons of England, in Parliament assembled, being chosen by, and representing the people, have the supreme power in this nation. And do also declare, that whatsoever is enacted, or declared for law by the Commons, in Parliament assembled, hath the force of a law, and all the people of this nation are concluded thereby, although the consent and concurrence of King, or House of Peers, be not had thereunto'. A Bill constituting themselves a High Court of Justice was also passed.

The court as finally constituted consisted of 135 commissioners and John Bradshaw was appointed president of the tribunal. The trial commenced in Westminster Hall on 20 January. The King refused to recognize the court as a lawful authority, and claimed the prerogative of Divine Right. The Commons for their part claimed that they sat in the name of the people of England. Thus in the final act of the drama the fundamental issue of sovereignty was argued with the same lack of compromise which had dogged the long struggle throughout, but this time the King was powerless. On 27 January the tribunal found him guilty of treason and sentenced him to death. On the 29th the warrant for his execution was signed by 59 of his accusers, and on the 30th the final tragedy was enacted.

There can be no question that Charles was tried and condemned illegally by a minority of the House of Commons representing his bitterest foes. The justice of the verdict and sentence is also questionable on the ground that the King could hardly have committed the offences with which he was charged without the approval and assistance of a large part of the nation. The King might also be defended on the ground that he held his opinions sincerely, and acted in accordance with his firm convictions. There is no doubt that his execution profoundly shocked the majority of his subjects. But on the great constitutional issue involved there can be no doubt that Parliament was in the right. By its very nature and consequences the struggle was of vital concern not only to those who waged it but to generations then unborn, and its outcome established the sovereignty of Parliament for all time. The doctrine of Divine Right and the tyranny which it engendered were shattered for ever, and the popular will was asserted so conclusively that it could never again be effectively challenged.

## **CHARLES II (1630-1685) AND PARLIAMENT**

The Convention Parliament (q.v.) which restored Charles Stuart to the throne met on 25 April 1660. The Lords assembled as of right and passed a resolution declaring that the government should consist of King, Lords and Commons in accordance with the ancient constitution of the realm. The Convention Parliament received from Charles the famous Declaration of Breda which embodied the proposals which had been put forward by General Monk. It conferred a free pardon upon all who had committed political offences since the Civil War save those whom Parliament should except, and guaranteed religious toleration and the holding of free Parliaments. Measures were taken for the immediate return and proclamation of the King, and Charles received a deputation of twelve peers and six commoners at The Hague, the spokesman for the Commons being Denzil Holles, one of the five members whom his father had attempted to impeach for treason in 1641. Charles landed in England on 25 May and entered London in triumph on the 29th. He recognized the Convention Parliament as a legally constituted authority and it proceeded to business requiring immediate attention. A Bill of Indemnity was introduced to exonerate, with certain exceptions, all those who had committed acts directed against the monarchy. It was a measure which provoked heated debates in both Houses, but a compromise was eventually agreed on, Vane and Lambert being amongst those who were excepted from the Bill. A number of regicides were condemned to death, and the bodies of Cromwell and others were exhumed and shamefully maltreated. The restitution of land next engaged the attention of Parliament and proved to be a question difficult of solution, causing dissatisfaction throughout the country. On the matter of revenue the Commons made no secret of their determination to maintain control of the purse-strings, but they voted the King an annual income of £1,200,000 to cover the ordinary expenses of government, together with an excise and tonnage and poundage, those taxes which had proved such a bone of contention between Charles I and his Parliaments, for life. This provision would have been reasonably generous had the sources of revenue been adequate to meet the amount granted, but as it was the King suffered financial embarrassment until his marriage to Catherine of Braganza in 1662 brought him certain monetary and other advantages.

Although the Convention Parliament restored the monarchy it by no means made itself the tool of the King. It introduced a number of popular reforms and set definite limits upon the King's prerogative. It also disbanded the army, although it left the King with the Guards regiments from which the present regular army ultimately developed. Parliament next turned its attention to the religious difficulties which

existed, but Charles dissolved it before it could reach any decisions. Although he did not reveal his own views at this stage they were diametrically opposed to those of the Presbyterians who formed quite a strong group in the Convention Parliament, and Charles dissolved it in the hope of finding its successor more amenable to his wishes.

Charles's next Parliament, which has been variously called the Cavalier Parliament (q.v.), the Pensionary Parliament, and the Long Parliament of the Restoration, met on 8 May 1661, and sat through seventeen sessions until its final dissolution on 30 December 1678. It began as a subservient instrument of the King's will but by the time its long life was terminated it had reasserted the popular cause in the highest parliamentary tradition. The Cavaliers were predominant in the Commons, the Presbyterians having been returned in greatly reduced numbers. It immediately proceeded to take strongly Royalist measures and reversed much of the legislation of the Long Parliament. The person of the King was not only secured from hostile action but was even placed beyond criticism and the supreme military authority was vested in the Crown. The bishops were restored to the House of Lords and it was declared that no legislative power could exist in both or either House of Parliament without the King. Parliament also embarked on a programme of repressive legislation aimed against the Presbyterians and Nonconformists. Its first deed of the session was to pass a resolution compelling all its members to receive the Sacrament according to Anglican ritual, and a few days later the Solemn League and Covenant was ordered to be burned. The Corporation Act disqualified magistrates and civic officials from continuing in office unless they accepted the Anglican form of worship, and in subsequent sessions further such legislation was introduced, including the Act of Uniformity in 1662, under which many of the clergy were driven from the Church, and the Conventicle Act in 1664 which was designed to oppress the nonconforming clergy still further. The Act of Indemnity was honoured, however, although Sir Henry Vane, who had been excepted from the Act, was executed in spite of a promise that he should not suffer death.

Shortly after coming to the throne Charles began to seek for means to relieve his Roman Catholic subjects from their disabilities, for he was strongly sympathetic towards them although he insisted he was no papist himself. But on this question Parliament was staunchly opposed to him, and when in 1663 the King urged upon Parliament the acceptance of a Declaration of Indulgence in favour of the Catholic religion the proposals were rejected by both Houses. The Lord Chancellor, Clarendon, although an ardent upholder of the prerogative power, failed to support the King on this occasion, and the bishops in the House of Lords were unanimously opposed to any such concession. As a result of the stand he adopted on this matter Clarendon incurred

## Charles II (1630-1685) and Parliament

the enmity of the Roman Catholics in the House of Lords, one of whom, the Earl of Bristol, attempted unsuccessfully to impeach him. Although he enjoyed the support of the Queen; strong forces, which were eventually to bring about his downfall, were working against this minister. His oppressive religious policy had already earned him the hatred of the Nonconformists, and his objection to the vices of a corrupt and immoral Court, as well as incurring the displeasure of the King, had made for him a powerful foe in the person of Lady Castlemaine, one of Charles's innumerable mistresses. His foreign policy, which was to lead to the costly and unpopular war with Holland, eventually led him into further difficulties until his position became untenable.

It was inevitable that a popular reaction should arise against the tyranny of the administration. Religious persecution had become intolerable, objectionable taxes pressed heavily upon the people, the Court was notorious for its profligacy, and the popular feeling opposed the Dutch war. To add to the burdens of the people at this time, London was ravaged first by the plague and afterwards by the Great Fire. An opposition party gradually arose in the House of Commons and steadily gathered strength until it became a force to be reckoned with. In the session of 1665-6 a further great principle was established as a result of a proviso inserted in a Supply Bill—the right of the Commons to appropriate supplies to the purposes approved by them. They next asserted their right to examine the public accounts, and a Bill providing for the nomination of independent commissioners to inquire into public expenditure was carried in the Lower House. It was violently opposed by Clarendon and did not finally become law until after his downfall, but when the commissioners eventually reported on their investigations they revealed flagrant abuses and misappropriation of public monies to the shame and discredit of the King and his government.

In 1667 the forces which had been steadily mounting against Clarendon brought about his downfall. He was dismissed from office by the King and the House of Commons proceeded to impeach him on a number of charges. He was accused amongst other things of raising a standing army for the purpose of establishing military government and circumventing Parliament, causing persons to be imprisoned beyond the confines of the kingdom in order to place them beyond the benefit of the law, engaging in corrupt transactions, and misleading and betraying the King in regard to his foreign alliances. Clarendon's courage failed him and he fled the country without attempting to answer the charges, with the result that a Bill for his banishment was carried by both Houses. The Commons reasserted through Clarendon's case their constitutional right of impeachment.

After the fall of Clarendon the country was largely governed by the



Cabal administration, so called from the initial letters in the names of Clifford, Arlington, Buckingham, Ashley, and Lauderdale, who formed it. The Commons were by this time proving a thorn in the flesh of the King who, in order to ward off their frustration of his designs, resorted to continual prorogation of Parliament. He was anxious to avoid any diminution of his personal power and for this reason was desirous of maintaining a standing army. Parliament had called for the disbanding of the army on the termination of hostilities and the King, quite obviously, could not look to the Commons for the supplies necessary to keep an armed force in existence. He therefore needed to find a means of remaining independent of Parliament, and to this end he entered into a secret treaty with the King of France, promising to advance the Roman Catholic religion in Great Britain and to co-operate with the French in an attack on Holland in return for financial and military assistance. When particulars of this dishonourable agreement leaked out the opposition in the Commons consolidated its ranks and an organized party, the Country Party, came to be formed. It included in its ranks not only Presbyterians, Nonconformists, and Republicans, but Royalists who had become seriously disturbed at the trend of events, and others who, although adhering to the established Church of England, deplored the oppression of the Nonconformists. By 1673 a serious situation had developed. An unnecessary and unjust war had been declared against Holland under Charles's treaty with Louis XIV of France, and a Declaration of Indulgence, ostensibly favouring all non-Anglicans but in reality designed to benefit the Catholics alone, had been issued by proclamation and without parliamentary sanction. This declaration swept away all the penal laws and announced that the supreme power in ecclesiastical matters rested with the King. The Lord Keeper, Sir Orlando Bridgeman, at once resigned his office and was succeeded by Shaftesbury. Parliament met on 4 February, and although the Commons voted supplies for continuing the war with Holland the Declaration of Indulgence was rejected outright. The King thereupon complained to the House of Lords, where a heated debate took place. Shaftesbury, contrary to general expectation, opposed the Indulgence, and the dispute was eventually settled by the King withdrawing it. This incident was followed shortly afterwards by the passing of the Test Act which excluded all Catholics from holding office in the government. This measure effectively broke up the Cabal administration and disqualified the King's brother, the Duke of York, who was an acknowledged Catholic.

When Parliament met for its eleventh session on 20 October 1673, the opposition to the Dutch war and the French alliance, with which was associated the threat of an advance of popery, was seen to be formidable. Charles attempted to deal with his difficult situation in characteristic manner by proroguing Parliament, and during the

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recess he effected some drastic changes in his ministry. Shaftesbury was dismissed from office and replaced by Sir-Heneage Finch, and the Earl of Danby became Lord Treasurer. But Charles's problems were renewed when Parliament assembled again on 7 January 1674. The Commons immediately declared against a continuance of the French alliance and called for further measures against the advance of Catholicism. Anxiety was expressed as to the security of the established Church in the event of the King's death, for he had no legitimate children and the succession would pass, in accordance with the Constitution, to the Duke of York. There had already developed an undercurrent of opinion favouring the exclusion of the Duke and his children from the succession and the declaration of the Prince of Orange, a grandson of Charles I, as the heir to the Throne of England. There was therefore good reason for desiring peace with Holland. A fear of hostile activity on the part of English Catholics was generally prevalent and both Houses of Parliament were united against what was regarded as the common menace. Before Parliament was prorogued again on 24 February, motions for the dismissal of the King's 'evil counsellors', Buckingham, Lauderdale, and Arlington, were introduced into the Commons, thus re-establishing the principle of the responsibility of ministers to Parliament, and a peace treaty was concluded with Holland which was to ensure good relations between the two nations thenceforward. This short session was thus notable for some important parliamentary achievements.

Parliament did not meet again until 13 April 1675. Although the Dutch war was over, the French influence remained strong and Charles was easily induced to prolong the parliamentary adjournment to suit the convenience of the King of France. He was nevertheless anxious to arrive at an agreement with Parliament if this should prove possible without upsetting his plans. The session was a singularly unproductive one, however, as a quarrel arose between the two Houses on a question of privilege and prevented the passage of any legislation. The same session was notable for a scene which took place in the House of Commons over the result of a division taken while the House was in committee, and which was settled by the Speaker solemnly taking the Chair and rebuking the House for its disorderly behaviour. The incident serves to illustrate the eminence and respect with which the Speaker has always been regarded, that by his merely taking the Chair he was able to quell an unruly House. Parliament was prorogued on 9 June and assembled again on 13 October. In his opening speech the King frankly admitted his extravagances and promised to observe greater thrift in the future; but Parliament was opposed to the King's French alliance and took great exception to the influence wielded by Louis XIV in the affairs of Great Britain, with the result that the Commons refused to grant supplies to pay for the late war. They agreed

to vote money for the Navy, but with the proviso that the revenue derived from the receipt of customs should be applied to this purpose and to no other, the intention and the effect being to prevent the government waging any war which was not supported by Parliament. During this session the quarrel between the two Houses continued unabated, a fact of which Charles took advantage when he prorogued Parliament again on 22 November. Another long adjournment took place, for which Charles received a handsome bribe from the French King, and the Houses did not meet again until 15 February 1677. Long debates took place in the Commons on the King's foreign policy, and he was advised to renounce his treaty with France and join with Holland in the Grand Alliance. Charles's reaction was to prorogue Parliament yet again on 28 May, a violent scene ensuing when the Speaker announced the King's decision to the Commons. An interesting feature of this session was the passing of a resolution in the lower House to repeal the Act under which Members of Parliament received payment.

When Parliament met again on 15 January 1678, certain developments had changed the situation. The Prince of Orange had married Mary, the elder daughter of the Duke of York, a match largely brought about by Danby, the Lord Treasurer, and a treaty had been concluded with Holland. This greatly pleased the Commons, who voted supplies in support of the new alliance, but the King had by no means decided to turn his back on France. He had decided it would be expedient to conciliate the opposition but was not prepared to go to the extent of abandoning his own position, which depended for its strength upon the friendship of Louis. The French King was studying the position very closely, and whilst concluding secret agreements with Charles, he simultaneously entered into negotiations with representatives of the popular faction in England, whose object it was to alienate Louis from Charles and thus frustrate the latter's bid for personal power. The intrigues of this period were highly complicated, for the allegiance of an individual to one side or another could be easily bought. The opposition leaders in England were eager for a dissolution of Parliament, believing they would be greatly strengthened by new elections, and such was the influence of the French King that it was to him they turned for the purpose of bringing this about.

Parliament was prorogued on 15 July, and several further adjournments followed before the Cavalier Parliament reassembled for its seventeenth and final session on 21 October. During the interim the country was seized with panic over the 'discovery' of the so-called Popish Plot which had been fabricated by Titus Oates, a charlatan with a deplorable record of conduct who had once taken holy orders. Such was the fear of popery which pervaded the country that the fantastic allegations of Oates and his confederates spread like wildfire and were

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believed, various circumstances lending credence to their stories. The sensation led directly to the most drastic measures being taken against the Catholics. Many were tried for their complicity in the imagined conspiracy and many innocent victims were judicially murdered. In Parliament a Bill for disabling papists from sitting in either House passed both Houses, although the Commons unexpectedly accepted a proviso inserted by the Lords excepting the Duke of York from its operation. In spite of this the feeling in the country was now stronger than ever in favour of excluding the Duke from the succession. To meet what they regarded as the emergency the Commons resolved to raise a military force which would come under their direct control, but the King rejected the resolution and further incensed the Commons against his brother whom they suspected of interceding with Charles on behalf of his fellow Catholics.

The King found himself faced by insurmountable difficulties which were now further aggravated by the impeachment of his minister Danby. Although an opponent of Catholicism and the French alliance, Danby had angered the Commons by his unconstitutional methods, which favoured the prerogative rather than the popular will, and in their present frame of mind some of their accusations tended to be unreasonable. Surrounded by these problems Charles decided to resolve them by dissolving Parliament, a step he was reluctant to take but which now offered itself as the only solution. On 30 December he prorogued Parliament until 24 January 1679, on which date he declared it to be dissolved.

The elections which followed went decisively against the King, and the Country Party was returned in great strength. When the result became clear, Charles resigned himself to the situation and took certain steps to conciliate the people's representatives. The Duke of York was sent out of the country to Brussels and the adoption of a strong policy against popery was announced; Danby was dismissed from office, and the disbandment of the army was commenced. Charles's third Parliament met for the first time on 6 March 1679, and a dispute immediately arose between the King and the Commons over the appointment of a Speaker. The Commons re-elected Sir Edward Seymour, who had presided over the previous Parliament, but the King rejected him. The Commons refused to accept Charles's nominee and the matter was eventually settled by compromise, Sir William Gregory being appointed to the Chair. The lower House then proceeded at once to the impeachment of Danby, the main charge against him being his complicity in the dishonourable bargains which had been concluded with France. It is true that he had acted under the express instructions of the King, but the Commons rejected this defence as conflicting with the entire principle of ministerial responsibility, a principle which Danby's trial went far towards establishing. The case

also endorsed the precedent that impeachments and other proceedings interrupted by a dissolution are not necessarily annulled. The former Lord Treasurer was committed to the Tower where he remained for five years.

This Parliament is notable for the passing of the Habeas Corpus Act, one of the greatest pieces of legislation ever to reach the Statute Book. It secures the individual from arbitrary arrest and imprisonment without trial, and represents that guarantee and protection of personal liberty which characterizes any democratic society. Also during this year, 1679, the first Bill to exclude the Duke of York from the succession was introduced in the House of Commons, but its progress was arrested by the prorogation of Parliament. A dissolution followed on 12 July, Charles faintly hoping that fresh elections might improve his position. But once again they went against him, and the King adopted a policy of procrastination, as a result of which his fourth Parliament was not called together until 21 October 1680. It was during this period that the party names of 'Whig' and 'Tory' first came into use, the Whigs being the Country Party and the Tories the supporters of the Court who opposed the exclusion of the Duke of York. Repeated pressure was put upon the King to summon Parliament, and petitions to this effect were received at the Court in large numbers, emanating from corporations and persons of all classes. The supporters of the King endeavoured to stifle the popular demand by issuing addresses abhorring what they regarded as encroachments on the prerogative. The two factions thus acquired the names of Petitioners and Abhorrrers.

When Parliament did eventually meet it showed itself as determined upon the destruction of popery as its predecessor. It also passed important resolutions in justification of the Petitioners, declaring, 'That it is and ever hath been, the undoubted right of the subjects of England to petition the King for the calling and sitting of Parliaments and redressing of grievances.' A second Exclusion Bill was introduced in the lower House, but was rejected in the Lords after a dramatic debate. But the Commons were not to be thus deterred and called upon the King for his assent to the measure in spite of the Lords' rejection. His Majesty refused, and in the face of further determined action by the Commons he first prorogued and later dissolved Parliament on 18 January 1681.

For the third time the elections produced an overwhelming majority in favour of the popular cause. Piqued by the City of London, which had strongly supported the Petitioners, the King decided to hold his next Parliament at Oxford as a mark of the disfavour with which he regarded the capital. He remained adamant in spite of a petition urging him to reverse his decision, and on 21 March 1681, he opened his fifth and last Parliament, the Oxford Parliament. The question of the succession was debated in both Houses, and various expedients were discussed. From the Lords came the suggestion that the Duke of

## Chartists

Monmouth should be recognized as Charles's successor, whilst the Commons spent some time in discussing a compromise involving the separation of the Crown from the administration. Eventually it was decided to prepare and introduce another Exclusion Bill, but before the legislation could be proceeded with another quarrel broke out between the two Houses over the matter of an impeachment. On 28 March, before any further business could be undertaken, the King unexpectedly dissolved Parliament in a manner which amounted to a peremptory dismissal. On 8 April he published a declaration reproaching his last three Parliaments for their actions whilst proclaiming his love for the established Church and the institution of Parliament as such. In answer to the King's declaration a Member of the House of Commons, Sir William Jones, wrote a 'just and modest vindication of the proceedings of the two last Parliaments of King Charles II'.

For the remaining years of his life Charles governed without Parliaments. He was duly rewarded by the King of France for getting rid of the people's representatives, and a campaign against the Whigs was initiated by the supporters of the court. Shortly afterwards a conspiracy known as the Rye House Plot was uncovered involving a number of distinguished Whigs, of whom Lord Russell and Algernon Sidney were most unjustly executed for their alleged complicity in the affair. Monmouth was also implicated but was later able to make his peace with the King. The Duke of York, who had returned from Brussels in 1679, was reinstated in the Privy Council, all attempts to exclude him from the succession having failed.

Charles II died suddenly on 6 February, 1685. A man of loose principles and many grave faults, his virtues were hardly significant enough to redeem his deplorable conduct throughout his reign. He entirely lacked his father's saving graces, and if he emerges as less of a tyrant than the first Charles it should be borne in mind that the popular cause had registered many historic gains before he came to the throne and he inherited a severely limited prerogative. It is true that in its early days the Cavalier Parliament had tended to be subservient and reversed much of the work of the Long Parliament, but this had proved to be but a temporary reaction. On the whole Parliament had clung tenaciously to its rights and privileges, and in addition the Commons had asserted themselves, usually successfully, against the Lords. In spite of the many unsatisfactory features of the reign Parliament had continued its advance towards the ideal of popular government in the face of a false and unprincipled monarch.

## CHARTISTS

A revolutionary working-class organization which was founded in 1838, and whose immediate object was parliamentary reform. Its programme was stated in the so-called 'People's Charter', which was

drafted in the form of an Act of Parliament and set forth the famous 'Six Points', namely, adult male suffrage based on a residence qualification only, the abolition of property qualifications for the franchise, voting by ballot, the division of the country into equal electoral districts, the payment of Members of Parliament, and the holding of annual Parliaments. All but the last point have since been secured.

On 4 February 1839, a Convention or 'People's Parliament', representing the disfranchised working classes, was held in London, and resolved to present a petition to the House of Commons demanding the acceptance of its Charter and to call for strike action should the petition be rejected. The petition, to which over one and a quarter million signatures were attached, was rejected, but owing to lack of organization the Convention was unable to put its plans into effect. Shortly afterwards the moderate leadership of the movement was over-ridden by the inflammatory elements and violence and rioting broke out in a number of centres. Most of the ringleaders were arrested and imprisoned, but further agitation broke out upon their release, and nearly three and a half million signatures were collected for a second petition which was presented in 1842. Its rejection was followed by spasmodic strikes and rioting which achieved nothing, and thereafter the movement entered a period of decline. It underwent a temporary revival in 1848, stimulated by other revolutionary movements which flared up on the Continent during that year, but by 1853 it had virtually disappeared.

Chartism was born of the dissatisfaction of the working classes with the Reform Act of 1832, which conferred benefits upon the middle classes only. The great improvement in the lot of the working classes which began with the repeal of the Corn Laws in 1846 and the progressive reforms called for by Lord Shaftesbury contributed largely to the disintegration of the movement.

A history of Chartism was written by Mark Hovell and completed by Professor T. F. Tout (*The Chartist Movement*, 2nd ed., 1925).

## CHIEF PLEAS

The Parliament of Sark, one of the Channel Islands. It consists of the Seigneur, the Seneschal, 40 Tenants, and 12 Deputies of the People. The Seneschal is the chief judicial officer of the island, and *ex-officio* President of the Chief Pleas. He is appointed for three years by the Seigneur, whose position is hereditary, with the approval of the Lieutenant-Governor of Guernsey. Sark is subject in certain respects to the authority of the Lieutenant-Governor and the States of Guernsey.

## CHILTERN HUNDREDS

Under parliamentary law a Member of the House of Commons may not directly resign his seat. A member wishing to vacate his seat has to

## Church Assembly Measures

follow a rather curious procedure known as 'applying for the Chiltern Hundreds'. The custom, according to Hatsell's *Precedents*, originated about 1750. No Member of Parliament may occupy an office of profit under the Crown, and by accepting such an office he automatically vacates his seat. The offices of steward or bailiff of Her Majesty's three Chiltern Hundreds of Stoke, Desborough, and Burnham and steward of the Manor of Northstead are nominally offices of profit, although in actual fact they have ceased to exist. They are the traditional appointments for which a member applies should he wish to retire from the House of Commons before a dissolution takes place. The practice is to issue the appointments alternately to enable two members to retire simultaneously if necessary. Each office is retained until the Chancellor of the Exchequer receives application from another member wishing to retire.

The effect of disqualification which these appointments impose upon a member who accepts them has been preserved by statute and extends to two further obsolete offices: the stewardship of the Manors of East Hendred and Hempholme, which were last used for the purpose in 1840 and 1865 respectively.

In other Parliaments of the Commonwealth, a member is permitted to resign his seat directly.

## CHURCH ASSEMBLY MEASURES

In addition to Bills which have passed both Houses of Parliament, the Royal Assent is also given to Measures passed by the National Assembly of the Church of England. Measures must have been presented to the Queen for the Royal Assent in accordance with a resolution passed by both Houses of Parliament, and this cannot take place until a report by the Ecclesiastical Committee (q.v.) and the Measure concerned have been laid before them. Measures may relate to any matter concerning the Church of England and they have the same effect as an Act of Parliament. They are made under the authority of the Church of England Assembly (Powers) Act, 1919, and are published with the annual volumes of the Public General Acts (q.v.).

## CHURCH COMMISSIONERS

Following the appointment in 1835 of two commissions 'to consider the state of the several dioceses of England and Wales', a permanent commission was appointed by the Ecclesiastical Commissioners Act, 1836. The main function of the Commissioners at the present time is the administration of the estates of the Church in order to endow or augment benefices, and the Ecclesiastical Commissioners Act, 1850, appointed two Church Estates Commissioners (who were also Ecclesiastical Commissioners) for this purpose. The Act expressly states that the First Church Estates Commissioner may be a Member of



Parliament, and in fact he is appointed by the Government from their own party in the House, where he answers questions on matters within the province of the Commissioners in the same way as a minister. In 1948 the Ecclesiastical Commissioners and Queen Anne's Bounty were united to form the Church Commissioners.

## CHURCH ESTATES COMMISSIONERS

*See CHURCH COMMISSIONERS.*

## CHURCHILL ARCH

The stonework of the main doorway into the new Chamber of the House of Commons, bomb-chipped and smoke-blackened by German bombs when the Chamber was destroyed in 1941, has been re-erected and named the Churchill Arch as a memorial to Sir Winston's inspiring and redoubtable wartime leadership of Parliament and the British people.

## CITATION OF STATUTES

Bills presented to Parliament must have a citation title, which usually appears in the last clause and is nearly always identical with the short title at the head of the Act. An exception is the Consolidated Fund (Appropriation) Act, which is always cited as the Appropriation Act. Another method of citation is by regnal year and sessional chapter; thus the Income Tax Act of 1952 may be cited as '15 & 16 Geo. 6 & 1 Eliz. 2, c. 10', i.e., the 10th Act in the parliamentary session which ran during the 15th and 16th years of the reign of George VI and the first year of the reign of Elizabeth II, reckoned from the dates of their accession.

## CIVIL AVIATION, MINISTER OF

Civil aviation was the responsibility of the Air Ministry until the Ministry of Civil Aviation Act, 1945, appointed a Minister to encourage the design, development, and production of civil aircraft, to promote air safety, and to organize research into air navigation. Under a consolidating statute of 1949 the Minister appoints the members of the Airways Corporations, and is responsible for the management of civil aerodromes and the compulsory purchase of land for their erection. When the Conservative Government took office in 1951 the Ministries of Transport and Civil Aviation were combined under one Minister.

The Ministers who held office between 1945 and 1951 were Lord Winster, Lord Nathan, Lord Pakenham, and Lord Ogmore.

## CIVIL LIST

The provision made by Parliament for the expenses of the Royal Household. It includes the Sovereign's personal income and the allowances made to other members of the Royal Family. The Civil

## Civil List

List is fixed by statute upon the accession of a Sovereign and charged directly upon the Consolidated Fund (q.v.). It is not subject to annual review by Parliament. The Civil List Act, 1952, provides that during the present reign and a period of six months afterwards the yearly sum of £475,000 shall be paid for the Queen's Civil List. In addition, an annual income of £40,000 is provided for H.R.H. the Duke of Edinburgh during his lifetime and provision is also made for Her Majesty's children. Other members of the Royal Family are provided for in previous Civil List Acts. The 1937 Act provided that Her Majesty the Queen, now Queen Mother, should receive during her life an annual income of £70,000 in the event of her surviving His Majesty the King. H.R.H. Princess Margaret was allowed an annual income of £6,000 under the same Act, and the 1952 Act provides that she shall receive a further £9,000 in the event of her marriage.

The Civil List was originally intended to cover the ordinary expenses of government, and the practice of granting the Sovereign a regular annual income for this purpose was instituted at the Restoration. Charles II and James II both received £1,200,000 per annum to be disposed of as they thought fit, and extraordinary expenditure was met from annual grants of Supply (q.v.). The term 'Civil List' first appeared in 1697 when the House of Commons resolved 'that in a just sense and acknowledgement of what great things His Majesty has done for these kingdoms, a sum not exceeding the sum of £700,000 per annum be granted to His Majesty during his life for the support of the Civil List'. The first Civil List Act followed upon this resolution. Until 1711 the money for the Civil List was raised by assigning the proceeds of specific taxes to the purpose and it was customary to assign certain duties to the Sovereign for life. Owing to the haphazard nature of this arrangement effective supervision of public finance was impossible and the need for a common pool of revenue came to be realized. The first step in the direction of creating such a pool was taken in 1715 when an Aggregate Fund was established and an additional £120,000 for the Civil List was immediately charged upon it. In 1760 the hereditary revenues of the Crown were transferred to the Fund and the whole Civil List was charged upon it. In 1786 Pitt created the Consolidated Fund and all statutory expenditure (that is, all expenditure excluding annual grants of Supply) was charged upon it. By the middle of the 19th century the Consolidated Fund had become the great financial pool of the nation, receiving all revenue and bearing all charges.

Before the reign of George III Parliament never inquired into the disposition of the Civil List funds. Although Parliament provided the money it was regarded as belonging to the King who therefore was entitled to make use of it at his own discretion. In 1769 the King had accrued debts amounting to over half a million pounds and he asked

Parliament to provide the funds to meet them. In consequence a proposal was made for the examination of Civil List expenditure but was turned down as being contrary to tradition and derogatory to the Crown, and the debts were paid. In 1777 the King was again in debt, but this time Parliament was less tolerant of the royal extravagances. The debt was again paid but not before accounts had been presented to Parliament. In 1780 Burke proposed his great plan of economic reform which, although rejected at the time, was to a great extent put into operation two years later. In 1782 Lord Rockingham insisted on the reform of the Civil List as one of the conditions of his forming a Government. It was still intended that the Civil List should cover the ordinary expenses of government, and it was divided for the purpose into eight classes including all civil pensions and salaries. These expenses were continually increasing, however, and it remained impossible to avoid deficits; it became necessary to meet more and more civil expenses from annual grants of Supply. Upon the accession of William IV in 1830 a decisive step was taken. Upon the recommendation of a Select Committee all expenditure not directly 'affecting the dignity and state of the Crown and the personal comfort of their Majesties' was removed from the Civil List. On the accession of Queen Victoria in 1837 the Civil List was further relieved of the royal pension list and reduced to the sum of £385,000. Thenceforward it became the personal income of the Sovereign and all expenses previously charged upon it were paid from the Consolidated Fund.

## CLANDESTINE OUTLAWRIES BILL

*See OUTLAWRIES BILL.*

## CLAUSES

The individual sections of a Bill which are numbered and become known as sections if the Bill becomes an Act of Parliament (q.v.). At the committee stage of a Bill each clause is considered separately, and if necessary in detail. New clauses and amendments to existing clauses may be considered at this stage, and the Chairman is empowered to select those which he feels the House would wish to consider. Any amendments made must be reported to the House at the report stage, when further amendments may be proposed.

## CLERGY, DISQUALIFICATION OF

*See DISQUALIFICATION FROM MEMBERSHIP OF PARLIAMENT.*

## CLERK OF THE CROWN

The Royal Proclamation dissolving a Parliament and fixing the date for the meeting of a new one also announces the making of an Order in Council directing the Lord Chancellor and the Governor of

## Clerk of the House

Northern Ireland to issue the necessary writs (q.v.). For a by-election the writ is issued on the authority of a warrant from the Speaker. The Crown Office, under the Clerk of the Crown in Chancery, and the Clerk of the Crown for Northern Ireland then prepare and send the writs summoning the peers and instructing the Returning Officers in the various House of Commons constituencies to hold elections and return the names of the members elected to the Crown Office, where they are recorded. Writs for an election in Northern Ireland are transmitted by the Clerk of the Crown here to the Clerk in England. After a General Election or a by-election the Clerk of the Crown receives all the ballot papers and other documents relating to the election and retains them for a year. In Scotland the ballot papers and marked electoral registers are kept by the sheriff clerk of the county in which the constituency is situated. The Lord Chancellor is head of the Crown Office, and the Clerk of the Crown the head of the permanent staff. The office is one of great antiquity and dignity, the duties and emoluments of which were defined as far back as 1349. The Clerk of the Crown is appointed by sign manual warrant, and takes part in many important acts of the State, including the reading of the titles of Bills in the House of Lords when they receive the Royal Assent. It is in the Crown Office that the Great Seal (q.v.) is affixed.

## CLERK OF THE HOUSE.

The chief permanent officer of the House of Commons; his counterparts in the other Commonwealth Parliaments are similarly styled. The Clerk of the House of Commons is appointed by the Crown by letters patent in which he is described as 'Under-Clerk of the Parliaments, to attend upon the Commons'. His is a learned and highly specialized office, involving an expert knowledge of legislative procedure and a wide experience in parliamentary administration. He has the custody of all records and controls various official departments within the House. He assists and advises the Speaker and members on matters of procedure. He is also the Accounting Officer for the House of Commons. He signs addresses, votes of thanks, and Orders of the House, endorses Bills sent or returned to the Lords, and reads whatever is required to be read in the House. He sits at the Table below the Speaker's Chair, and wears the traditional black uniform with wig and gown.

The Clerk of the House of Commons is mentioned in the earliest parliamentary records, and an excellent account of the history of the office is contained in Mackenzie's *The English Parliament*. The *Modus Tenendi Parliamentum*, an early account of the constitution of Parliament which was probably written in or about 1327, refers to a clerk specially assigned to the Commons, but the first appointment by letters patent of an 'Under-Clerk of the Parliaments' was that of Robert de

Melton in 1363. Like the Clerk of the Parliaments (q.v.) the Under-Clerk was a chancery clerk, but his rewards were far more modest. His salary was a hundred shillings a year until 1529, when it was doubled, and he could hope for no more in recognition of his services than a living or a prebend, usually of St. Stephen's, Westminster.

The first known Commons Clerk to have kept any kind of record was Robert Ormeston, who held office from 1515 to 1545. The record which was to become the Journal of the House of Commons (q.v.) was originated by John Seymour, Commons Clerk from 1547 to 1567, and continued by his successor, Fulke Onslow, who held the appointment until 1602.

In the 17th century [writes Mackenzie] the House took an increasing interest in its forms and precedents, as the numerous resolutions recorded in the journals testify. In the stormy sessions of the Long Parliament, moreover, rule and order in proceeding acquired a new importance. The result was inevitably to raise the position of Clerk of the House of Commons from that of a merely mechanical recorder and preserver of records to that of an expert and adviser in procedure. Henry Elsyng, who was Clerk in the early years of the Long Parliament, was the first Clerk to appear in the role of guardian of procedure. He it was of whom it was said that for 'his abilities and prudence, more reverence was paid to his stool than to the Speaker's Chair'. He was also the first Commons Clerk to produce an authoritative manual of procedure. He was succeeded in 1649 by Henry Scobell, whose 'Memorials' is the main authority for 17th-century procedure. In 1658 Scobell claimed to be Clerk of the 'Other House' which Cromwell substituted for the Lords and carried off the Commons Journals so that they could not be searched. In this awkward situation the Speaker remarked, 'The Clerk is gone, and you could not carry on business without one.'

John Hatsell, Clerk of the House of Commons from 1768 to 1797, made an elaborate collection of *Precedents of Proceedings in the House of Commons*, which is the best authority for 18th-century procedure. Sir Thomas Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* has been the authoritative statement of parliamentary rule and practice for the past hundred years.

The present salary of the Clerk of the House of Commons is £6,000 per annum (increased in 1957 from £4,500). A chronological list of holders of the office appears as Appendix 6.

(Further reading: Williams, *Clerical organization of the House of Commons, 1661-1850*, 1954.)

## CLERK OF THE HOUSE OF LORDS

See CLERK OF THE PARLIAMENTS.

## CLERK OF THE PARLIAMENTS

The chief permanent officer of the House of Lords. He is appointed by the Crown by letters patent, and upon entering office he makes a

declaration at the Table of the House of Lords 'to make true entries and records of the things done and passed' in the Parliaments and to 'keep secret all such matters as shall be treated therein and not to disclose the same before they shall be published but to such as it ought to be disclosed unto'. He controls four departments in the House of Lords: the Public Bill Office, the Private Bill and Committee Office, the Judicial Office, and the Accountant's Department. He is responsible for the preparation of the minutes of the proceedings of the House and he has the custody of all documents including the important collection of manuscript records stored in the Victoria Tower. He endorses all Bills sent to the Commons and has the custody of those awaiting the Royal Assent with the exception of Money Bills. He is responsible for their subsequent promulgation as Acts of Parliament and for endorsing on every Act the date on which it received the Royal Assent. At the ceremony of the Royal Assent to Bills by the Lords Commissioners it is the Clerk of the Parliaments who pronounces the words by which the Royal Assent is signified. Like the Clerk of the House of Commons he is an authority on procedure and his advice is available to Members of the House of Lords. He exercises a general administrative control over the business of the House, and like his counterpart in the House of Commons he calls each item on the order paper as it is reached.

The office of Clerk of the Parliaments appears to date from the early Parliaments of the reign of Edward I, and according to Mackenzie it may be inferred from the frequent appearance of his name in the record of these Parliaments that a certain Jolin of Kirby was the holder. Dasent names Sir Henry de Edenestowe as the first Clerk of the Parliaments to be appointed in 1330. In the reign of Edward III this official emerges more clearly, and one of his principal duties was to receive common petitions (as distinct from private petitions which were dealt with by the Receivers of Petitions), to bring them before the council, and also to read the replies to such petitions. In 1399 a salary of £40 per annum was attached to the office, and in 1510 the actual style of 'Clerk of the Parliaments' makes its first appearance. To-day the title would more aptly be 'Clerk of the House of Lords', but tradition has retained the original style. Similarly the Clerk of the House of Commons is to this day appointed as 'Under-Clerk of the Parliaments' although he can no longer be regarded as the former's assistant.

The appointment of the Clerk of the Parliaments is governed by the Clerk of the Parliaments Act, 1824. The salary attaching to the office is £6,500 per annum (increased in 1957 from £4,500).

## CLERKS ASSISTANT

The Clerk Assistant and the Second Clerk Assistant are the two officers of the department of the Clerk of the House (q.v.) next in seniority to the Clerk himself. They are appointed by the Crown on

the recommendation of the Speaker, and they sit at the Table of the House, on the left of the Clerk. Like the Clerk of the House they wear the traditional black uniform with wig and gown. Their duties at the Table are to keep the minutes of proceedings, to receive (and if necessary put in order) notices of motions, questions, and amendments, and to prepare the Notice Paper and the Order Book for future sittings.

There is also a Clerk Assistant in the House of Lords, next in seniority to the Clerk of the Parliaments.

The office of Clerk Assistant did not become permanent until 1640, the first holder of the appointment being John Rushworth (q.v.). Originally, the Clerk of the House had the right to nominate his subordinate officers and to receive payment from the nominees. The practice of selling these appointments was discontinued by Jeremiah Dyson, Clerk of the House from 1748 to 1762, who nominated Hatsell (q.v.) as his deputy without payment. The office of Clerk Assistant and that of Second Clerk Assistant (which was instituted in 1800) are now appointed by the Crown under statute, but the Clerk of the House retains the power of appointing his other subordinates.

## CLERKS-AT-THE-TABLE

*See* CLERK OF THE HOUSE; CLERK OF THE PARLIAMENTS; CLERKS ASSISTANT; FOURTH CLERK-AT-THE-TABLE.

## CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS, SOCIETY OF

*See* SOCIETY OF CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS.

## CLOCK TOWER, PALACE OF WESTMINSTER

Built on the site where an earlier clock tower stood for centuries. The old clock was granted to the vestry of St. Margaret's, Westminster, in 1698, but it was pulled down soon after under the directions of Sir Christopher Wren. It is not known what happened to the clock, but the bell, known as 'Great Tom of Westminster', was taken to St. Paul's Cathedral, recast in 1716 and now hangs in the Western Tower.

The present Clock Tower, which is a modified form of Barry's original design, is about 320 feet high to the top of the finial and 40 feet square. On the first floor is the room to which members are confined when 'committed to the Clock Tower'. Bradlaugh (q.v.) was the last member to be sent there in 1880.

*See also* BIG BEN.

## CLOSURE

The procedure by which a debate may be terminated by a majority decision of the House, even though all members wishing to speak have

not done so. Prior to 1881 there existed no means of limiting the length of a debate, and once a question had been proposed it could be debated as long as there were any members who wished to speak upon it. The closure was instituted as a result of the action taken by Speaker Brand on 2 February 1881, in terminating a debate on his own responsibility. After a sitting lasting 41½ hours during which the Irish members had deliberately protracted the debate on the motion for leave to bring in the Protection of Person and Property Bill (the so-called Coercion Bill) for the unconcealed purpose of obstructing the business of Parliament, Speaker Brand took the initiative of putting the question on the motion although the Irish members still wished to continue the debate. 'The dignity, the credit and the authority of this House are seriously threatened,' he declared, 'and it is necessary that they should be vindicated.' He declined to call upon any more members to speak and proceeded to put the question. His action was supported by the Prime Minister and the Leader of the Opposition, and the following day the powers of the Speaker were formally augmented by resolution of the House. In 1882 the closure was embodied in a Standing Order and thus became a part of the permanent procedure of the House. Although originally introduced as an emergency measure in the face of a calculated assault upon the foundations of the parliamentary system, the closure has become a normal feature of procedure which is recognized as a method of expediting business. It has undoubtedly increased the efficiency of the parliamentary machine but has necessarily reduced the opportunities of the individual private member.

Under the present system, any member may move the closure by rising during a debate and moving, 'That the question be now put', and it lies within the discretion of the Speaker, or in Committee of the Whole House the Chairman of Ways and Means or Deputy Chairman, to allow or disallow the motion. It cannot be moved in the House with the Deputy Speaker in the Chair unless the Speaker's absence has been formally announced. If the motion appears to be an abuse of the rules of the House or an infringement of the rights of the minority it will not be accepted by the Chair. If it is accepted it must be put to the vote of the House immediately without amendment or debate. If it is negatived by the House the debate continues; if it is carried, the question which was before the House when the closure was moved must be put immediately and the debate ended. At least 100 members must vote with the majority for a closure motion in order for it to be carried. In a Standing Committee the Chairman is empowered to accept a closure motion, at least 20 members being required to vote with the majority in order to carry it.

Although simple enough in outline, closure procedure is subject to certain variations according to the circumstances under which it is applied. The procedure described above is known as the 'simple



closure'. The application of the closure to a debate on an amendment to the main question involves an extension of this procedure known as the 'contingent closure'. Once the closure motion has been accepted by the House and the question on the amendment has been put, a member may rise to claim that the main question be now put, and if in the opinion of the Chair the main question has been discussed sufficiently during the debate on the amendment, it will be put immediately. A further variation is the 'special closure' which can operate in respect of debates on specific clauses during the committee and report stages of Bills. It cannot be moved when an amendment is under consideration, but otherwise the motion can take various forms of which the following is a typical example: 'That the question "That the clause stand part of the Bill" be now put.' When such a closure motion has been carried and the motion consequential upon it has been put to the vote, any amendments standing to that part of the Bill affected by the motion fall away without discussion.

A closure motion is frequently made under the provisions of Standing Order No. 1 (3) which permits the closure to be moved at the moment for the interruption of business under the Ten o'clock Rule (q.v.). This entails certain complications which are fully discussed in Erskine May.

A development of the closure procedure, the 'closure by compartments' or 'guillotine', is dealt with under the heading **GUILLOTINE**.

### CLOUGH, OWEN (1873- )

Founder of the Society of Clerks-at-the-Table in Commonwealth Parliaments (q.v.) and editor of the first twenty volumes of its *Journal* (1932-51). Clerk of the South African Senate from 1910 to 1929.

### COALITION

A coalition is formed when political parties unite to secure a majority in Parliament over other groups, and also in times of war when a National Government takes over and political attachments give way to national necessity. In the latter case an electoral truce (q.v.) is declared. There were Coalition Governments in Britain from 1852 to 1855, from 1895 to 1905, from 1915 to 1922, and from 1931 to 1945. However, to quote Sir W. I. Jennings on peace-time coalitions, 'the exact point at which a coalition becomes a unified party government is not always clear. There is a tendency for coalitions to lose their party differences. It is not possible to fix the date on which the Peelites were absorbed into the Liberal Party, nor that at which the Liberal Unionists were merged into the Conservative Party'. But the situation of a Coalition Government in peace-time raises very different issues from those of a war-time coalition, as Mr. Amery pointed out. The former usually represents the effort of politicians to compromise principles in

## Cobbett, William (1762-1835)

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the hope of retaining power, while the latter emphasizes the national determination to unify its striking-power. A coalition and the temporary abandonment of party politics is now accepted as essential when the country is at war, but normally, as Disraeli remarked in the House of Commons in 1852, 'England does not love coalitions'.

## COBBETT, WILLIAM (1762-1835)

An untiring advocate of parliamentary reform and the leading journalist concerned in the movement, Cobbett unsuccessfully contested Coventry (1820), Preston (1826), and Manchester (1832) before he eventually won a seat for Oldham in the reformed House of Commons.

In 1806, Cobbett began the compilation of the *Parliamentary History* (q.v.), an undertaking which was completed by J. Wright. Compiled from various sources, it runs to thirty-six volumes, the first twelve of which were edited by Cobbett, and it constitutes a great legislative history of the country from the Norman Conquest to the year 1803. In 1803, beginning where the *Parliamentary History* ceases, Cobbett began the *Parliamentary Debates* (q.v.) which he incorporated in his weekly *Political Register*. They were taken over in 1812 by Thomas Curson Hansard (q.v.).

## COLLECTING THE VOICES

When the Speaker, or in committee the Chairman, puts the question at the end of the debate, he reads out the motion before the House and adds, 'As many as are of that opinion will say Aye.' Those members supporting the motion comply, after which the Speaker continues, 'As many as are of the contrary opinion will say No.' This procedure is known as collecting the voices, and may or may not be followed by a division.

## COLLECTIVE RESPONSIBILITY

See CABINET.

## COLONIAL LEGISLATURES

Colonies were annexed to the Crown either by means of settlement, or by conquest or cession. In the first case the colonists tended to follow the British system of representative government and to model their legislature on the British Parliament, while Colonies acquired by the second method had only such rights as the Crown allowed them. It was in this latter class of colony that the type of administration developed which became known as 'Crown Colony' government, under which system the majority of the dependencies of the British Crown are ruled. In the old representative system, such as has survived in Barbados and the Bahamas, the legislature followed the pattern of King, Lords, and Commons with Governor, nominated Council, and elected Assembly. Crown Colony government differs from this in

that the legislature comprises only a Governor and a Council. The Council has become divided into two—the Executive Council (an embryonic Cabinet when it is not composed entirely of officials) and a Legislative Council, which can contain official, nominated unofficial, and elected unofficial members, the latter class increasing as a colony progresses towards self-government. As the representative of the Crown and head of the executive, the Governor is the central institution of British colonial government. He has power to veto legislation and to enact Bills which he considers essential to the good government of the colony, for which he is responsible to the Secretary of State for the Colonies; and although he must consult his Executive Council he is not bound to take their advice. It follows that in Crown Colony government the legislature is subordinate to the executive, and in turn the colonial government is subordinate to the imperial government. To quote from Wight's *British Colonial Constitutions*, 1947, 'The relation between the imperial government and the colonial government depends upon the relation within the colonial government between the executive and the legislature. And the relation between the executive and the legislature depends upon the relation between the legislature and the dependency as a whole. The executive can control the legislature so long as the legislature does not represent, or is not answerable to, an electorate. The imperial government can control the colonial government so long as the colonial government has not become the organ of a fully integrated and self-conscious colonial nation. The working out of these principles of subordination to the point at which they cease to apply, with the attainment of independent status, is inherent in the modern British tradition of colonial government.'

(Further reading: Wight, *Development of the legislative council*, 1946.)

## COLONIAL SECRETARY

The first Colonial Secretary, the Earl of Hillsborough, was appointed in 1768, but his office was abolished in 1782. In 1801 the Secretary of State for War, Lord Hobart, afterwards the Earl of Buckingham, took over the Colonies, but with the advent of the Crimean War a Principal Secretary of State for War was appointed and the Secretary of State for War relinquished control of the Army and retained the Colonies. There is now also a Minister of State for Colonial Affairs, as well as a Parliamentary Under-Secretary of State. The Colonial Secretary is responsible to Parliament for the government of the British Colonies, Protectorates, and Trust Territories, and he has power under the Colonial Development and Welfare Acts to make provision for the development of the resources and the welfare of the peoples of these territories.

This Minister is invariably in the Cabinet and his salary is £5,000 per annum, plus an additional £750 if he sits in the House of Commons. A chronological list of Colonial Secretaries appears as Appendix 11.

## Command Papers

### COMMAND PAPERS

Papers presented to Parliament by a minister technically by Command of Her Majesty. They are generally restricted to matters of Government policy likely to be the subject of debate or legislation, Commonwealth and foreign affairs and treaties, and reports on the work of government departments. At first Command Papers were printed as appendixes to the House of Commons Journal, but in 1833 the system began of numbering them serially, at first with a plain number, afterwards with numbers preceded by letters indicative of 'Command'. So far there are five series:

In 1833 began No. [1], which ran to No. [422] of 1868-9.

In 1870 began [C. 1], which ran to [C. 9550] of 1899.

In 1900 began [Cd. 1], which ran to [Cd. 9239] of 1918.

In 1919 began [Cmd. 1], which ran to [Cmd. 9889] of 1956.

In 1956 began [Cmnd. 1], which still runs.

### COMMISSIONERS OF CROWN LANDS

The Minister of Agriculture and Fisheries, the Secretary of State for Scotland (both *ex officio* and unpaid), and a Permanent Commissioner, who is also the Secretary of the small department. The Commissioners are responsible for the collection and administration of the revenues from Crown land under the Crown Lands Acts, 1829-1943. They were incorporated by an Act of 1927, and in 1943 the Secretary of State for Scotland was added to the Commission. The revenues obtained from Crown lands in England and Wales, with the exception of the Duchies of Lancaster and Cornwall, have been surrendered to Parliament since 1760 in exchange for the Civil List (q.v.). The revenues from Crown lands in Scotland were transferred to the Commissioners in 1833. This department is subordinate to the Treasury, but its work is most closely connected with the Ministry of Agriculture.

### COMMITTAL

*See* PRIVILEGE, BREACH OF.

### COMMITTEE OFFICE

An office in the department of the Clerk of the House in the charge of a Principal Clerk. It supplies the clerks for the Select Committee on Estimates' (q.v.), the Committee of Public Accounts (q.v.), and for all other Select and Sessional Committees. In the House of Lords the Committee Office is combined with the Private Bill Office.

### COMMITTEE OF GRIEVANCES

*See* PETITIONS.

## COMMITTEE OF PRIVILEGES,

Both Houses appoint a Committee of Privileges at the beginning of every session. Their function is to consider any complaints alleging breach of privilege which may be referred to them. The Lords Committee for Privileges has the additional function of considering claims of peerage and precedence, and claims to vote for Representative Peers (q.v.) for Ireland and Scotland.

The Commons Committee originated in the 17th century, and since 1909 it has been the practice of the House to refer to this committee all complaints directed against non-members before deciding on any action to be taken. It usually has 10 members including the Leader of the House (q.v.), who is the Chairman, the Leader of the Opposition (q.v.), and a Law Officer (q.v.). The House of Lords Committee consists of 'all the Lords who have been or shall be present this session', but at least 3 Lords of Appeal (q.v.) must attend a meeting of the committee, otherwise its business cannot be proceeded with.

*See also* PRIVILEGE, BREACH OF.

## COMMITTEE OF PUBLIC ACCOUNTS

House of Commons Standing Order No. 90 provides: 'There shall be a select committee, to be designated the Committee of Public Accounts, for the examination of the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the committee may think fit, to consist of not more than fifteen members, who shall be nominated at the commencement of every session, and of whom five shall be a quorum. The committee shall have power to send for persons, papers and records, and to report from time to time.'

The Public Accounts Committee is a very senior body with a highly important function to perform. Its members are drawn from all parts of the House in proportion to the representation of the parties in the House. Its Chairman is usually a leading Member of the Opposition, if possible one who has held office as Financial Secretary to the Treasury, and the holder of that office in the Government of the day is invariably an *ex-officio* member. The committee is assisted and advised by the Comptroller and Auditor General (q.v.) who sits with the committee in the capacity of a permanent witness, although in actual fact he takes a far more active part in the proceedings of the committee than this designation of his status would imply. He is in reality a part-member who works closely with the Chairman, sits with the body of the committee at its meetings, and, although not permitted to direct questions to witnesses himself, advises the Chairman as to the questions which should be asked. Two Treasury Officers of Accounts also attend the committee as permanent witnesses; they represent their department.

## Committee of Public Accounts

and the committee benefits from their services as accounting experts.

The main function of the Public Accounts Committee and the purpose for which it was originally set up are to ensure that all public money is spent as Parliament intended. Two further functions which have been defined by a former Chairman of the committee, to ensure the exercise of due economy and to maintain high standards of public morality in all financial matters, are logical developments of the committee's activities and are, in a sense, self-imposed duties. The most important accounts to come before the committee are the Appropriation Accounts which detail the annual expenditure of the Army, Navy, Air Force, and Civil Service, and which correspond in form to the Estimates (q.v.). They are cash accounts and are accompanied by explanatory appendixes showing causes of discrepancies and other details, but they have been criticized as not revealing liabilities incurred but unpaid. They are generally regarded as adequate for the purpose, however, as they do not come before the committee until they have been examined by skilled auditors having access to any further information they may require. The accounts are considered by the committee in conjunction with the reports thereon of the Comptroller and Auditor General. The Accounting Officers of the various departments (who are usually the permanent heads of the departments) are summoned before the committee as witnesses and required to explain any difficulties or anomalies to which attention has been drawn. Any excess expenditure, which is automatically frowned upon although it may be justified in certain circumstances, must be fully accounted for, and invariably elicits a special report from the committee. Any indications of extravagance or wastage are thoroughly investigated. It is not surprising that the committee is regarded with some dread by the permanent officials who are called upon to explain the financial activities of their departments. In such a vast administrative organization infringements of financial regulations are bound to occur, and although it is unlikely that the head of an offending department is directly at fault, he cannot avoid his overall responsibility. The committee itself can do nothing worse than submit an adverse report to the House, but such is the importance attached to its findings that the results of such a report could be far-reaching.

The committee usually commences its deliberations at the end of February when the first reports of the Comptroller and Auditor General become available, and continues to sit weekly, sometimes throughout the session. Its reports are seldom debated in the House of Commons (the last four occasions on which such debates occurred were in 1873, 1916, 1942, and 1947), and although its reports are technically made to the House they are primarily for the benefit of the Treasury; in fact, the committee's recommendations have come to be regarded as having the force of directives.

The Public Accounts Committee was originally set up in 1861 on a motion of Gladstone. Its establishment had been recommended by a previous committee, the Select Committee on Public Monies, which had also urged the presentation to Parliament of annually audited accounts for examination by the proposed committee.

The effectiveness of the Public Accounts Committee has frequently been criticized on the ground that it performs a *post-mortem* function. Perhaps the late Sidney Webb provided the right answer to this criticism when he said, 'The fact that post-mortem examination does nothing to keep the patient alive is no proof that the existence of a system of *post-mortem* examinations does not prevent murders.'

(Further reading: Chubb, *The control of public expenditure*, 1952.)

## COMMITTEE OF SELECTION

HOUSE OF COMMONS. The Committee of Selection, first appointed in 1839, is nominated by the House at the commencement of every session, and has consisted since 1908 of 11 members, 3 being the quorum. It nominates the Standing Committees and a number of committees for Private Bills, and performs a variety of functions in connexion with Private Business, including the nomination of members to serve on Joint Committees on Private Bills.

HOUSE OF LORDS. In the Lords, the Committee of Selection consists of the Chairman of Committees and such other Lords as may be named by the House. It not only selects and proposes to the House the names of the 5 Lords who are to form the Select Committee for the consideration of an opposed Private Bill, but it also appoints the Chairman of such a committee and names the Bill or Bills to be considered on the first day of meeting of the committee.

## COMMITTEE OF SUPPLY

See COMMITTEE OF THE WHOLE HOUSE; ESTIMATES; PROCEDURE, FINANCIAL; SUPPLY.

## COMMITTEE OF THE WHOLE HOUSE

A committee consisting of all the members of the House presided over by a Chairman instead of by the Speaker. Proceedings in committee are conducted in a less formal manner and the rules of procedure are less rigid than when the Speaker is in the Chair; for instance, a member may speak more than once to the same question and a motion requires no seconder. The House is entitled to refer to a Committee of the Whole House any matter which, in its opinion, may be better discussed in committee, but for all practical considerations there are four types of Committee of the Whole House: (1) Committee of

Supply; (2) Committee of Ways and Means; (3) Committee of the Whole House on a financial resolution; and (4) Committee of the Whole House on a Public Bill.

It will be convenient to consider the first two together. In the House of Commons all matters concerning the raising and granting of public money must be considered in Committee of the Whole House, before legislation can be introduced to put financial proposals into effect. In considering the grant of aids and supplies for the public service, in other words the expenditure of public money, the House resolves itself into a Committee of Supply. The raising of the money so voted, in other words taxation, is considered in Committee of Ways and Means. The Committees of Supply and Ways and Means are automatically appointed at the beginning of every session immediately after the House has agreed to the address in answer to the Speech from the Throne. The formula used for the motion appointing the Committee of Supply is: 'That this House will resolve itself into a committee to consider of the supply to be granted to Her Majesty', and the formula for the Committee of Ways and Means is: 'That this House will resolve itself into a committee to consider of the ways and means for raising the supply to be granted to Her Majesty.'

It is the function of the Committee of Supply to consider and approve all Estimates (q.v.), reports from the Committee of Public Accounts (q.v.), and reports from the Select Committee on Estimates (q.v.). The first function of the Committee of Ways and Means is to authorize taxation—in fact, to approve the Budget proposals—and on the resolutions of this committee are founded Finance Bills and all Bills imposing taxation. Its second function is to authorize the issue from the Consolidated Fund (q.v.) of the sums of money required to make good the grants voted by the Committee of Supply. This authorization is purely formal and is signified in the following form: 'That, towards making good the supply granted to Her Majesty for the service of the year ending on 31st day of March, 19. ., the sum of £. . . . . be granted out of the Consolidated Fund of the United Kingdom.' The Consolidated Fund and Appropriation Bills give legal effect to this resolution.

A Committee of the Whole House on a financial resolution is appointed *ad hoc* and is concerned with a specific matter involving expenditure. A financial resolution requires the Queen's Recommendation before it can be considered in committee, and it is customary for the Speaker to seek assurance that it has received the Royal Recommendation before he leaves the Chair. The resolution of a Committee of the Whole House is required before any Bill which sanctions expenditure can be introduced. A Bill containing a money clause as a subsidiary feature does not require the Royal Recommendation and preliminary committee before its introduction, but a resolution must



be passed before it reaches its committee stage in order to give validity to that clause. If it is desired to take the committee stage of a Bill (other than a Bill involving finance) in Committee of the Whole House a motion to that effect must be moved immediately after the second reading or it will automatically be referred to a Standing Committee (q.v.) (*see also* BILL, PASSAGE OF).

Whenever the House of Commons goes into committee the Speaker leaves the Chair and the Mace is removed from the Table by the Serjeant-at-Arms and placed in the lower brackets. The Chairman of Ways and Means (q.v.) or the Deputy Chairman then presides, occupying not the Speaker's Chair but a chair at the Table. The occupant of the Chair enjoys the full authority of the Speaker, except that he is not empowered to inflict serious forms of punishment such as suspension from the service of the House or committal. Such powers are reserved to the House with the Speaker in the Chair, and if circumstances arise in committee to warrant such action it is for the Chairman to recall the Speaker and report the circumstances to the House. The Chairman is, however, empowered to direct a member to withdraw.

The formula for the motion that the House resolve itself into a committee is: 'That Mr. Speaker do now leave the Chair'; but unless it is desired to discuss the motion the Speaker leaves the Chair without any question being put, except in the case of a committee on a Bill. The custom of the Speaker vacating the Chair when the House goes into committee originates from the days when members had reason to doubt the loyalty of the Speaker, and preferred him to be absent when they wished to debate freely.

In the House of Lords a Committee of the Whole House is appointed by an order: 'That the House be put into a committee', and the Chair is taken by the Lord Chairman of Committees.

A Committee of the Whole House is not permitted to adjourn a sitting or a debate, but a motion that the Chairman do report progress and ask leave to sit again may be moved in committee, and if carried has the effect of postponing debate on the matter under consideration. The motion, if carried, is reported by the Chairman to the Speaker when the latter resumes the Chair.

The earliest references to 'general committees' and 'grand committees' which comprised the total membership of the House are found during the reign of Elizabeth I. The statement made in many popular accounts that a Committee of the Whole House was first employed for the discussion of the Bill of Attainder against the Earl of Strafford (1641) is a pure legend.' (Redlich)

## COMMITTEE OF WAYS AND MEANS

*See* BUDGET; COMMITTEE OF THE WHOLE HOUSE; PROCEDURE, FINANCIAL; WAYS AND MEANS.

## Committee on Public Petitions

### COMMITTEE ON PUBLIC PETITIONS

A Select Committee of 15 members appointed by the House of Commons every session to which are referred all public petitions received by the House, i.e., all petitions other than those relating to Private Bills. Its function is not to consider the merits of petitions but to summarize their contents in a form most convenient for consideration by the House.

### COMMITTEE ON UNOPPOSED BILLS

*See* PRIVATE BILLS.

### COMMITTEE STAGE

*See* BILL, PASSAGE OF.

### COMMON LAW

The Common Law may be regarded as being that part of the law of the land which is traditional and proceeding from the judgments of the Courts, as opposed to the part which is statutory and made in or under the authority of Parliament. The explanation of the adjective 'Common' is that in medieval times the law administered by the King's Superior Courts was the 'Common Custom of the realm', as distinct from the particular customs with which local jurisdictions were concerned.

### COMMONS AMENDMENTS, CONSIDERATION OF

*See* BILL, PASSAGE OF.

### COMMONS, HOUSE OF

*See* HOUSE OF COMMONS.

### COMMONWEALTH, 1658-1660

The Commonwealth was short-lived after the death of Oliver Cromwell. He had appointed his third son, Richard, as his successor, and according to the *Dictionary of National Biography* the new Protector was proclaimed some three hours after his father's death on 3 September, 1658. Richard lacked the strength of his father and he was immediately caught up in the toils of dissension between the military and the civil power. To settle the difficulty and to obtain the money he required for meeting the expenses of the administration he summoned a Parliament, the only one of his brief career as head of the state. The new Parliament consisted of two Houses and the Commons were returned under the old method of election, the smaller boroughs again returning members. Richard Cromwell opened Parliament on 27 January 1659, and delivered 'beyond expectation, a very handsome speech' in which he paid tribute to his father and affirmed his resolve to govern through Parliament. But the republicans in the Commons

lost no time in challenging the right of the new Protector to be recognized. They argued that he wielded too much power, and that only Parliament was empowered to confer the office. The republicans were in the minority in Parliament, however, and Richard Cromwell's position was eventually confirmed by 223 votes to 134. Immediately afterwards the Commons also resolved to recognize the upper House. The army was antagonized by the proceedings of the Commons, and although the Protector's government controlled the majority in Parliament they feared the power of the military. To strengthen their own power the Commons passed resolutions diminishing that of the army, upon which the army demanded the dissolution of Parliament. Under pressure from the army leaders the Protector consented, and his one and only Parliament was dissolved by proclamation on 22 April.

Although once more in supreme control the army hesitated to raise taxes on its own authority and decided it was necessary to restore some form of civil power. At the instigation of General Lambert it was decided to recall the Long Parliament (q.v.) which was held never to have been legally dissolved. On 7 May the remnant of that once great assembly, or the Rump Parliament (q.v.) as it became known, returned to Westminster headed by Speaker Lenthall (q.v.). A temporary Committee of Public Safety was appointed, and the Commons passed resolutions abolishing the House of Lords and dispensing with a single person at the head of the state. Richard Cromwell was urged by his supporters to resist but he declined to do so, and is alleged to have said, 'I will not have a drop of blood spilt for the preservation of my greatness, which is a burden to me.' He resigned his claim to the Protectorship and Parliament undertook to discharge his debts.

On 14 May a new Council of State was elected consisting of 16 civilians and 15 army leaders. They included Haselrig, Vane, Ludlow, Fleetwood, Fairfax, Lambert, Bradshaw, St. John, and Whitelocke. An address was presented to Parliament on behalf of the army calling for certain assurances, including confirmation of the republican form of government, religious toleration for all but Catholics and Episcopalians, and a Constitution providing for a Parliament of two Houses as the legislative authority and a Council of State as the executive. The Commons accepted most of the clauses, but they ignored the request for a second Chamber and placed the army under parliamentary control, enacting that all commissions should be signed by the Speaker. It was inevitable that the old quarrel should flare up afresh. The army objected to the military authority being vested in the Commons, and under the influence of Lambert a petition was presented complaining of the army's grievances and making various demands which amounted to depriving Parliament of its control. The Commons rejected the petition, reaffirmed their claim to the military authority, and cancelled the commissions of those officers.

including Lambert, who had offended them. They also took the extreme step of invalidating all measures which had been enacted since Oliver Cromwell forcibly dissolved the Long Parliament unless they received confirmation from the restored Rump. These proceedings provoked the army to action, and for the second time in its history the Long Parliament was forcibly expelled. On 13 October Lambert mustered his soldiers in and about the Palace of Westminster and prevented all members from entering the building.

The army was in supreme authority yet again, but all was far from well within the nation and there was much dissatisfaction over the trend of events. General Monk, who enters the pageant of history at this vital period, expressed concern at the situation in a letter from Edinburgh, and he also wrote to Speaker Lenthall affirming his adherence to parliamentary government. The army leaders who comprised the Committee of Safety attempted to negotiate with Monk, but the latter was determined on relieving the chaotic situation into which the country had fallen. Taxes remained uncollected and the army's administration was in dire financial need. Drastic remedies were imperative.

Although there was as yet nothing to indicate the likelihood of a restoration of the monarchy, events had already begun to move in this direction. Charles Stuart was eagerly watching developments from his exile on the Continent, but one can only conjecture whether or not Monk had already determined on his restoration as the solution to the country's problems.

On 26 December the Long Parliament was again recalled, but few of those who had sat in the previous Rump took the trouble to attend, and those members who had been excluded many years ago before the trial of Charles I and who attempted to regain admission were prevented from doing so. A new Council of State was elected and on 3 February 1660 General Monk came to London. He was welcomed and thanked by Parliament, but he demanded that a time should be fixed for a dissolution and writs issued for new elections. In view of the strong Royalist feeling in the country it was easy to appreciate the possible outcome of such a course. Moribund though it was, the Rump was nevertheless eager to cling to its precarious power. Parliament made an attempt to dissuade Monk from his purpose, but he remained adamant, and when writs were not issued within the time he had stipulated he made a move which Parliament had not anticipated by inviting the long-excluded members to return and take their seats. They immediately found themselves in an overwhelming majority. By this time the move towards a restoration of the monarchy had become a definite one. The restored members began to speak openly in favour of it and passed a number of measures designed to smooth its passage. On 16 March 1660 Parliament dissolved itself and the Commonwealth virtually came to a close, Monk opened secret negotiations with

Charles, and a brief interregnum ensued before the Restoration was finally effected.

See also CHARLES II AND PARLIAMENT.

## COMMONWEALTH PARLIAMENTARY ASSOCIATION

An organization, which has for its object the establishment of permanent machinery to facilitate the exchange of information, closer understanding and co-operation, and more frequent intercourse between members of the different Parliaments of the Commonwealth. It consists of main branches in the United Kingdom and each of the fully autonomous countries of the Commonwealth, together with affiliated branches, varying in status, in colonial territories having a measure of responsible or representative government or an unofficial majority in the legislature, and in states and provinces which, although united under a central or federal form of government, have also a local legislature. At present there are over forty branches and affiliated branches of the association, whose constitution is continuously changing in accordance with the manner in which the Commonwealth itself is developing.

Full membership of the association is confined to sitting Members of Parliament throughout the Commonwealth, who are entitled to become members without election upon payment of the subscription. Ex-Members of Parliament may become affiliated members of the association. The association provides for visits and the holding of conferences and offers privileges to its members in the way of inter-branch hospitality, letters of introduction, travel facilities, and access to legislatures.

The association was formed in 1911 under the name of the Empire Parliamentary Association. The name was changed on the proposal of the Canadian branch at the first post-war Commonwealth Parliamentary Conference in 1948. At the same time it was resolved to establish a General Council of the Association as a means of regular contact between the branches, the representatives on the Council to be annually elected by the branches themselves. The Council meets annually at various places throughout the Commonwealth, issues an annual report, and elects its own Chairman and Vice-Chairman. It also appoints a Secretary-General who acts as liaison officer between the branches and whose office is a common information centre. The present holder of this office is Sir Howard d'Egville, who was appointed at the first meeting of the General Council. Throughout the branches the Clerk of the House in each legislature concerned acts as the branch secretary.

The Commonwealth Parliamentary Association issues three regular publications which only members are entitled to receive, the Secretary-General being responsible for their editing, production and distribution. These are the *Journal of the Parliaments of the Commonwealth* (a

## Common Wealth Party

summary of debates in Commonwealth legislatures), *Summary of Congressional Proceedings, U.S.A.* and the *Report on Foreign Affairs* the latter being of a confidential nature.

## COMMON WEALTH PARTY

Founded in July 1942 by Sir Richard Acland with a socialist policy founded on Christian morality and not Marxian 'scientific socialism', and advocating common ownership, social equality, colonial freedom, European federation, world unity, and a 'Second Front'. The party demanded an immediate ending of the Electoral Truce (q.v.) and declared its intention to fight by-elections where the previous member had not been Labour—or equally 'progressive'. In 1943 the National Executive of the Labour Party put Common Wealth on its list of proscribed organizations, membership of which was incompatible with membership of the Labour Party. In 1944 there were three Common Wealth members in the House of Commons, and although they put up 23 candidates at the General Election of 1945 the party only retained one of its seats. Sir Richard Acland was defeated, but was returned at a by-election in 1947 as a Labour member. Common Wealth continues to exist, but it did not contest the elections of 1950, 1951, or 1955.

## COMMONWEALTH RELATIONS SECRETARY

In July 1925, a new Secretaryship of State for Dominion Affairs was created to take over from the Colonial Secretary (q.v.) business connected with the self-governing Dominions, the self-governing Colony of Southern Rhodesia, and the High Commission Territories (Basutoland, Bechuanaland, and Swaziland). In July 1947, the Secretary's title was changed to Secretary of State for Commonwealth Relations. He assumed responsibility for relations with India and Pakistan (1947), Ceylon (1948), the Federation of Rhodesia and Nyasaland (1953), Ghana and Malaya (1957). He maintains direct contact with the Governments of countries he is concerned with, their High Commissioners in London, and the U.K. High Commissioners overseas. The Secretary's salary is £5,000 and that of his Parliamentary Under-Secretary of State, £2,500. Both are entitled to a further £750 if they sit in the House of Commons. A list of Secretaries of State for Commonwealth Relations appears as Appendix 12.

## COMMUNICATIONS BETWEEN LORDS AND COMMONS

Frequent communications pass between the two Houses and a 'message' is used for sending Bills and amendments to Bills from one to the other, for requesting the attendance of witnesses, for the interchange of reports and other documents, and for communicating all matters of an ordinary description occurring in the course of parliamentary

proceedings. Messages from the Commons were once conveyed by the Chairman or the member in charge of a Bill, accompanied by a number of other members, but in 1855 both Houses agreed to transmit messages by their Clerks. Until the middle of the last century 'conferences' between representatives of each House were held, the last being in 1860, but only written communications were delivered and there was no discussion. 'Free conferences' where debate was permitted fell into disuse even earlier, and only one, in 1826, has been held since 1740.

## COMMUNIST PARTY IN PARLIAMENT

The British Communist Party was founded in 1920, and at the 1922 General Election two members of the party were elected, J. T. Walton Newbold and S. Saklatvala, a Parsee. The latter ran as an endorsed Labour Party candidate, having pledged himself to abide by the Labour Party Constitution. He was elected again for North Battersea in the 1924 election. The Parliamentary Labour Party rejected an application from Mr. Newbold after the election to receive the Labour Party Whip. William Gallacher, the next Communist to obtain a seat, was elected in 1935 for the Western Division of Fife, which seat he held until 1950. Another Communist member was P. Piratin, who was elected for the Mile End Division of Stepney in 1945 and held the seat until 1950. At the Communist Unity Conference of July 1920, a resolution was carried in favour of affiliation to the Labour Party, and soon after the Executive of the newly formed Communist Party of Great Britain made the first of its many applications for affiliation. The Labour Party executive replied that 'the basis of affiliation to the Labour Party is the acceptance of its constitution, principles and programme, with which the objects of the Communist Party do not appear to be in accord'. The Labour Party has continued to debar from affiliation 'political organizations . . . owing allegiance to any political organization situated abroad', and in 1923 voted that no member of the Communist Party should be eligible as a Labour Party candidate at parliamentary elections and that no Communist Party member should be allowed to join the Labour Party as an individual member. In the 1950 General Election the Communists had 100 candidates, none of whom succeeded in being elected and only 3 managing to save their deposits, whilst in the 1951 election they put up only 10 candidates, all of whom lost their deposits. In the 1955 election the Communist Party contested 17 seats, all unsuccessfully.

The Communist Party has members in the Parliaments of India and Ceylon. In the Indian elections of 1957 the party actually secured control of the state legislature of Kerala. For a short time a Communist held a seat in the Queensland Parliament, but this represents the party's only succession Australia.

## COMPTROLLER AND AUDITOR GENERAL

The officer who is responsible for the auditing of all public accounts. His position is unique in that he is an Officer of Parliament yet, as head of the Exchequer and Audit Department, he controls a staff of Civil Servants. He is appointed by letters patent on the nomination of the Prime Minister (q.v.), his full title being 'Comptroller General of the Receipt and Issue of Her Majesty's Exchequer and Auditor General of Public Accounts'. His salary, like that of the Speaker (q.v.), is charged directly to the Consolidated Fund (q.v.) and not provided for in the Estimates (q.v.). His statutory duties are laid down in the Exchequer and Audit Department Acts, 1866 and 1921.

Although not himself a Civil Servant, the Comptroller and Auditor General has always held senior appointments in the Civil Service, usually in the Treasury (q.v.), for wide knowledge and experience of the administration of government departments are indispensable to his job. He need not necessarily be a trained auditor. His main duty is to conduct an examination of the Appropriation Accounts (i.e., the accounts of the Army, Navy, Air Force, and civil departments) and to satisfy himself that all moneys appropriated have been applied to the purposes intended and approved by Parliament. All other public accounts, including the Consolidated Fund accounts (i.e., accounts in respect of charges which are made directly on the Consolidated Fund and not provided for in the Estimates), are subjected to the same scrutiny. The immense amount of detailed work involved in this mighty task is carried out by the Exchequer and Audit Department, each division of the department being responsible for the accounts of a particular ministry or group of ministries.

The Comptroller and Auditor General submits an annual report to Parliament on his findings, which is referred to the Committee of Public Accounts (q.v.) for consideration. The Comptroller himself sits with the committee to offer any advice and assistance which may be required.

The appointment of Comptroller and Auditor General was created in 1866 by the first Exchequer and Audit Department Act. Under the Act of 1950 this officer's salary was fixed at £4,500 per annum, but in 1957 it was increased to £6,000.

## COMPULSORY VOTING

Australia is the only country in the British Commonwealth which imposes compulsory voting. It was first introduced in parliamentary elections in Queensland in 1915 and for the Australian Federal Parliament in 1924. All the other Australian States have since adopted compulsory voting, the last one to fall into line being South Australia, whose Act, passed in 1942, first came into operation at the 1944



election. Every elector who has not voted is sent a form after an election, on which must be stated the reason for failing to vote. If the Returning Officer decides that it is not true, valid, and sufficient, the elector becomes liable to a penalty of £2. Apart from the fact that compulsory voting reduces the cost of elections by removing any reason for candidates to convey electors to the polling-booths; its supporters found very little to say in its favour. However, one Senator did state hopefully that it would compel people to take a keener interest in Parliament! Professor Crisp, the authority on politics and Parliament in Australia, says that the effects of compulsory voting cannot be assessed with precision or certainty, but that it has certainly not contributed to the serious political education of the electorate, and may even have discouraged it. He points out that it is arguable that as a voting population, which has only known a compulsory attendance at the polls, increases, there will be a growing number who regard voting as a burden and not a privilege of democracy. Professor Crisp says that there is no proof that compulsory voting has helped any particular party to power in Australia, and sums up this aspect of the question by quoting Sir Frederic Eggleston, a prominent Australian writer, politician, and diplomat, who concluded that 'compulsory voting assists a government which is moving with a live popularity: it punishes severely a government which is unpopular'.

## CONCILIATION BILL

*See* SUFFRAGETTES.

## CONCURRENT LIST

A list of subjects appended to a federal constitution in respect of which the federal legislature and the state or regional legislatures have power to make laws, federal law prevailing in case of conflict.

## CONFIDENCE, VOTE OF

*See* VOTE OF CONFIDENCE.

## CONSEQUENTIAL AMENDMENT

An amendment made to a clause in a Bill may affect other clauses where the same word or words occur, and amendments made to these other clauses in consequence are therefore called consequential amendments.

## CONSERVATIVE PARLIAMENTARY PARTY

In the House of Commons, this is composed of all members who take the Conservative Whip, thereby signifying their acceptance of the policy of the party as declared by the leader. Management rests with the Chief Whip, who is appointed by the leader of the party.

## Conservative Party

Unlike the Parliamentary Labour Party in the House of Commons, the leader of the Conservative Party is not appointed on a sessional basis, but once elected he remains the leader until he dies or resigns. He possesses powers much beyond those of the leader of the Labour Party, and the most striking fact about the Conservative Party is the pre-eminent rôle assigned to the leader under the constitution of the party. The C.P.P. has a committee known as the Nineteen Twenty-two Committee (q.v.) which all back-benchers are entitled to attend, and when in opposition a number of subject groups are formed which can examine the party's policy and actions and discuss the forthcoming business of the House.

## CONSERVATIVE PARTY

The Conservatives are the successors of the old Tory Party, and as the Cavaliers had been called Tories—the word originally applied to Irish bandits—it is hoped by the opponents of the Conservatives who describe the party as Tories that some of the opprobrium once attached to the word still remains. The party did not acquire the description of Conservative until soon after the passing of the Reform Bill of 1832. The principles of Conservatism were defined by Disraeli in 1872—to maintain the institutions of the country, to uphold the Empire, and to ameliorate the condition of the people. Another Conservative M.P., Nigel Birch, wrote seventy-seven years later: 'Conservatism seeks to get out of every fresh development, each new line of thought, what is of value, but to prevent enthusiasm for the fashionable cure of the day leading to a state of unbalance which may do lasting damage to the country. The Tories took an active part in liberalizing our economy in the early part of the 19th century when it was encumbered by a tariff structure of great complexity, and still tied down by Tudor legislation, and took their stand against *laissez-faire* and for authority in the later years of the same century; and thus to-day they are seeking to preserve what was of lasting value in 19th-century Liberalism against the ever-increasing aggression of an authoritarian State.'

The Tories had triumphed in the restoration of the Stuarts to the throne, but with the coming of the Hanoverians the party's prestige declined and for nearly fifty years the Whigs were in power. The Jacobin tendencies in the party put it out of favour with the Court, but with the accession of George III it was restored to royal favour. The Coalition Governments with which the King hoped to break the Whig system of Cabinet government and increase his own power were, however, singularly unsuccessful. The experiment ended with the loss of the American colonies, and in 1783 the Tories began, under the leadership of William Pitt the Younger, a period of predominance which lasted until 1830. Pitt reorganized the financial system of the country, restored Cabinet government, remoulded the governments

of Canada and India, and supported Wilberforce in his campaign against the slave trade. After the Napoleonic Wars the party was held together by Lord Liverpool as Prime Minister, although for some years before his retirement in 1827 it had become obvious that the Tory Party was divided into two main sections—the progressives who followed Canning and the reactionaries who looked to the Duke of Wellington. After Canning's death in 1827 the party split, and his disciples, who included Gladstone, drifted into Liberalism. From 1830 to 1874 the Tories were seldom in office and only once in power. Defeat caused the party to consider using a more suitable name, and the suggestion of J. W. Croker in 1833 of 'Conservative' was adopted since it implied that the party's essential characteristic was to maintain and preserve existing institutions. Sir Robert Peel started the work of reviving the party's fortunes by issuing a restatement of policy in the Tamworth Manifesto, and by setting up a central party organization in the hope of counteracting the bad impression left by the party's opposition to the Reform Bill in 1832. He was so successful that after achieving an Opposition 250 strong in the Parliament of 1835, he was returned with a comfortable majority in 1841. Everything seemed set fair for a generation of Tory rule when the party was again split in 1846 over the question of the abolition of the Corn Laws, which imposed a tax on imported wheat. Peel forced the abolition through in face of the bitter opposition of his party, led by Disraeli, and it was not until 1931 that the resulting agricultural depression which commenced towards the end of the century was relieved by any form of protection. Peel resigned after the break-up of the party, taking the 'Peelites' with him and leaving the rest of the party under the leadership of Lord Derby and Disraeli. During the following years Disraeli established his position and carried through the Electoral Reform Bill of 1867. In 1874 he was returned with the first clear Conservative majority since 1841, and until 1880, when they lost the election, the party was responsible for the passing of a number of Acts for the improvement of social conditions. After the death of Disraeli in 1881 the Conservatives were led for twenty-one years by Lord Salisbury, and as Lord Henry Bentinck said, 'The people gave its confidence (with a three years' break) from 1886 to 1900 with a remarkable constancy to the Tory Party, because the Party gave sufficient evidence of its honesty in the cause of the common weal.' By declaring for Home Rule for Ireland, Gladstone split the Liberal Party as Peel had split the Conservative Party over the Corn Laws, and the part played by the Peelites was taken by the Liberal Unionists led by Joseph Chamberlain, who formed an alliance with the Conservatives in their efforts to prevent the division of the United Kingdom which has lasted ever since. The name Unionist survives in the official name of the party, and is still used in Scotland and in Northern Ireland. During the later years of

## Conservative Party

the 19th century the Liberals began to free themselves of Whig control and the Whig magnates began to turn to the Conservative Party. After the resignation of Lord Salisbury in 1902 the Conservatives became increasingly whiggish in their approach to political problems, and this, combined with the growth of 'big business' influence in Conservative counsels, had a disastrous effect on the party's fortunes. The so-called capitalistic tendencies in the party were emphasized by the Socialists to demonstrate that the Labour Party represented the workers and the Conservative Party the 'bosses', although the latter party had always been the champion of the small man. Even when it was soundly beaten in the election of 1906, working-class boroughs such as Hoxton and Stepney returned Conservative members to Parliament. This defeat in 1906 was caused by a division in the party over preferential tariffs within the British Commonwealth advocated by Joseph Chamberlain; then, after a brief revival of popularity, it allowed the Liberals to appeal to the electors on the cry of *Peers versus People*, with the result that two more General Elections were lost in succession. The outbreak of the First World War restored the prestige of the Conservatives, and it was remembered that they had always stood for effective armaments and a strong Navy. As the war progressed Conservative stock continued to rise, and in 1915 they entered a Coalition Government which they continued to support until 1922. The party, led by Baldwin, then broke with Lloyd George, mainly because of his unpredictable foreign policy, and apart from two short periods when the Labour Party was in office, the Conservatives, either alone or as the predominant partner in a coalition, were subsequently in power until the General Election of 1945. The National Government which was formed after the General Election of 1931 under Ramsay MacDonald included the Liberals and a few Labour members, but the Liberals split over the introduction of protective tariffs for agricultural products, and the Independent Liberals went into Opposition while the National Liberals supported the Government. In 1934 the Conservatives were subject to internal dissensions, first of all on the subject of India and later, when Neville Chamberlain became Prime Minister, over the attitude to be adopted towards Germany and Italy. On both occasions Sir Winston Churchill was in opposition to the official policy, and after he had become Prime Minister in 1940 his success during the Second World War redounded to his personal credit rather than to that of the party. After the War the Conservatives suffered such a severe defeat in the General Election of 1945 that they found it necessary to overhaul the party organization and programme. This resulted in almost equal support being given for the Conservative and Labour Parties at the 1950 General Election, and another election was held in 1951 which resulted in a Conservative Government under Sir Winston Churchill as Prime Minister with an overall majority of 17. The

Conservative Party also won the General Election of 1955 with a majority of 58, but lost a seat at a by-election in 1957.

**PARTY ORGANIZATION.** The National Union of Conservative and Unionist Associations is a federation to which are affiliated constituency and central associations throughout England, Wales, and Northern Ireland—there is a separate Scottish Unionist Association. Those eligible to attend the annual conference of the National Union include the members of the Central Council of the National Union and three additional representatives of each constituency association, together with accredited party agents. The Central Council itself meets twice a year and considers the report of the Executive Committee of the National Union. The Executive Committee in turn has a number of advisory committees such as the Advisory Committee on Policy, whose Chairman is appointed by the leader of the party. The Conservative Central Office co-ordinates the work of the party throughout the country and provides full-time professional party workers who operate the party organization's machinery under the ultimate direction of the leader, who is Prime Minister when the party is in office.

#### CONSIDERATION OF AMENDMENTS

*See BILL, PASSAGE OF.*

#### CONSIDERATION OF COMMONS' AMENDMENTS

*See BILL, PASSAGE OF.*

#### CONSIDERATION OF LORDS' AMENDMENTS

*See BILL, PASSAGE OF.*

#### CONSOLIDATED FUND

The great financial pool into which (with certain insignificant exceptions) all the nation's revenues are collected and from which all public expenditure issues. The bulk of the national income is provided by taxation; other receipts include Post Office profits, revenue from Crown lands, and repayments on foreign loans. The Consolidated Fund is, in reality, an account kept by the Government at the Bank of England. On the authorization of Parliament sums of money are transferred from it into the account of the Paymaster-General (q.v.) (the Government's cashier) who in turn makes available to individual departments the amounts which have been stated and approved by Parliament in the Estimates (q.v.). In addition to the expenditure annually approved by Parliament certain expenses, known as Consolidated Fund Services, are charged to the Consolidated Fund under permanent legislation. These charges are considerable and include payments of interest on the National Debt and charges in respect of the Civil List (q.v.). The salaries

## Consolidated Fund Acts

of certain high officers, including the Speaker of the House of Commons, the Comptroller and Auditor General (q.v.), and the Judges of the High Court, are also charged directly to the Consolidated Fund and not provided for in the Estimates, for the very good reason that the nature of their duties raises them above the controversy of the political arena, in tacit acknowledgment of which Parliament waives its right to review their salaries annually.

The Consolidated Fund was established by Pitt in 1786. Prior to this date it was the practice to provide for each public service from the revenue yielded by taxes specifically assigned to the purpose. It was found impossible under this system to maintain an adequate supervision over the nation's finances as a whole, and although an Aggregate Fund had been instituted in 1715 for the concentration into a single pool of certain revenues designed to meet the Civil List expenditure, no real attempt at collective control was made until the creation of the Consolidated Fund. At first, however, only statutory expenditure, such as charges in respect of the National Debt and the Civil List, was defrayed from the Consolidated Fund; annual grants of Supply (q.v.) continued to be met from specially assigned sources of revenue. It soon came to be realized that it would make for greater efficiency if all public revenues were paid into the Consolidated Fund and all public payments issued therefrom, and with the passing of the Public Revenue and Consolidated Fund Charges Act, 1854, this practice became finally established.

*See also* PROCEDURE, FINANCIAL.

## CONSOLIDATED FUND ACTS

The annual statutes which precede the Appropriation Act (q.v.), the main Act of the year for authorizing the grant of Supply (q.v.), and which give legal effect to the Supply voted prior to the passing of the main Estimates (q.v.). There is generally more than one such Act each session, depending upon the pressure of financial business, those following the first being distinguished by means of numbers (e.g., Consolidated Fund (No. 2) Act). The first Consolidated Fund Act is the most important and is introduced into Parliament as the Consolidated Fund (No. 1) Bill. It must be passed before the end of the financial year (31 March) as it authorizes the issue from the Consolidated Fund (q.v.) of the sums required to make good the Supplementary Estimates (for the current year), Votes on Account (for the year about to begin), and Excess Votes, if any (for the previous year). (*See* ESTIMATES.)

Consolidated Fund Acts differ from the Appropriation Act in that they merely authorize the Treasury to make a certain sum of money available to the public service, whereas the Appropriation Act specifies the purposes for which the money is to be used. Like the

Appropriation Act, Consolidated Fund Acts also authorize the Treasury to borrow money by the issue of Treasury Bills, the amount which may be borrowed being equal to the total authorized expenditure. The enacting formula of a Consolidated Fund Act, and the procedure which is observed when, as a Bill, it receives the Royal Assent (q.v.), are the same as in the case of the Appropriation Act.

## CONSOLIDATED FUND BILLS

*See* APPROPRIATION ACT; CONSOLIDATED FUND ACTS.

## CONSOLIDATION BILL

A Bill introduced to consolidate a number of Acts of Parliament relating to the same subject, such as the Shops Bill of 1950 introduced to consolidate the Shops Acts from 1912 to 1938 and certain other enactments relating to shops. Before 1949, if corrections and minor alterations were necessary in a Consolidation Bill, it first had to be drafted, without alteration to the Acts composing it; an amending Act was then passed correcting the desired corrections, and finally an Act consolidating the law as it existed after the amendments had been made. This procedure was simplified in 1949 by the passing of the Consolidation of Enactments (Procedure) Act, the first section of which says: 'If at any time it appears to the Lord Chancellor to be expedient that a Bill should be prepared for the purpose of consolidating the enactments relating to any subject, but that, in order to facilitate the consolidation of those enactments, corrections and minor improvements ought to be made in such enactments, he may cause to be laid before Parliament a memorandum proposing such corrections and minor improvements therein as he thinks to be expedient.' A Joint Committee consisting of 6 members from each House is appointed, each session to consider Consolidation and Statute Law Revision Bills, and before reporting a Consolidation Bill this committee informs the Lord Chancellor and the Speaker what corrections and minor improvements mentioned in the Lord Chancellor's memorandum (or the Secretary of State's in the case of Scottish Bills) they are prepared to approve. When the Lord Chancellor and the Speaker have concurred, the emendations become law for the purposes of any further proceedings in Parliament relating to the Bill.

In the process of improving and clarifying the state of the law there are two necessary stages—the consolidation of the existing statute law and the reform and codification of the law as it ought to be. In an effort to reach the first stage a separate branch of the Parliamentary Counsel's Office was established in 1947 to deal with consolidation matters, and this tidying-up of the Statute Book is proceeding at a faster pace.

### CONSTITUENCY

Since 1948 a constituency has been defined for statutory purposes as 'an area having separate representation in the House of Commons'. The previous statutory definition was 'any county, borough or combination of places, or university or combination of universities returning a member to serve in Parliament, and, where a county or borough is divided for the purpose of parliamentary elections, a division of the county or borough so divided'. Under the 1948 Act a constituency can be one of only two types, county or borough.

The *Oxford English Dictionary* defines the term as 'the body of voters who elect a representative member to a legislative or other public body'. It has apparently acquired its wider sense of an electoral district through common usage.

There are at present 630 constituencies in the United Kingdom, 511 of which are in England, 71 in Scotland, 36 in Wales, and 12 in Northern Ireland (see also REPRESENTATION). In 1944 permanent Boundary Commissions were established for England, Wales, Scotland, and Northern Ireland, their function being to keep the constituency boundaries under review. They are required to submit periodic reports to the Home Secretary and the Secretary of State for Scotland at intervals of not less than three or more than seven years from the date of the passing of the Representation of the People Act, 1948, stating their recommendations, if any, for the redistribution of seats. The Speaker of the House of Commons is the *ex-officio* Chairman of the Boundary Commissions.

In making their recommendations the Boundary Commissions are governed by the rules laid down in the Second Schedule to the House of Commons (Redistribution of Seats) Act, 1949, which consolidated the law on the subject. The number of constituencies for the whole of Great Britain must be not substantially greater or less than 613, and the number for Northern Ireland must remain at 12. Scotland must have not less than 71 seats and Wales not less than 35. Every constituency shall return a single member. The size of the electorate in each constituency must be as near as practicable to the electoral quota, which is a figure obtained by dividing the total electorate of Great Britain by the existing number of constituencies, and similarly for Northern Ireland. In 1953 the electoral quota for Great Britain was 55,670. In determining constituency boundaries regard should be taken of existing local government boundaries, but where excessive disparities between electorates and the electoral quota would be created through strict adherence to this rule the Commissions are empowered to depart from it. Where geographical considerations render a departure advisable, the Commissions may depart from both or either of the rules relating to the electoral quota and local government boundaries.



When a Commission has decided upon its provisional recommendations they must be published in each constituency affected. One month is allowed during which representations may be made to the Commission, and local inquiries may be held. When the final reports of the Commissions are submitted to the Home Secretary and the Secretary of State for Scotland they must be laid before Parliament with a minimum of delay, together with draft Orders in Council embodying each recommendation which must be approved by the House of Commons before they can come into effect.

## CONSTITUENT ASSEMBLY

The name given to the first Pakistani Parliament (q.v.).

## CONSTITUTION

A Constitution in its widest sense is the whole system of government of a country—the collection of rules which establish and regulate or govern the government, which rules are either part of the law of the land or are established by usage or convention. In its narrower sense a Constitution is a selection of these rules which have been embodied in one document, such as the Constitutions of the British Dominions. They and the majority of countries are therefore said to have written Constitutions, while that of the United Kingdom is unwritten—in other words its rules have never been co-ordinated into one or even several documents. Dicey defines two types of Constitution—the flexible as ‘one under which every law of every description can legally be changed with the same ease and in the same manner by one and the same body’, and the rigid Constitution as ‘one under which certain laws generally known as constitutional or fundamental laws cannot be changed in the same manner as ordinary laws’.

Unwritten Constitutions are necessarily flexible, but written Constitutions are not necessarily rigid, although most modern Constitutions are and cannot be altered or amended without some special legislative process. Australia, for example, cannot alter her Constitution without the amendment being passed by both Houses and agreed to by the people through the process of a referendum. Constitutions, as Thomas Jefferson once wrote, must not be deemed too sacred to be touched—laws and institutions must go hand in hand with the progress of the human mind.

## CONSTITUTIONAL LAW

‘The Constitutional Law of a State is the law relating to its Constitution. Where the Constitution is written, even though it may have to be supplemented by other materials, it is fairly easy to distinguish the Constitutional Law of a State from the rest of its legal system; but where, as in Britain, the Constitution is unwritten, it is largely a

## Contempts

matter of convenience what topics one includes in Constitutional Law, and there is no strict scientific distinction between that and the rest of the law.

'It follows from what has been said that Constitutional Law deals, in general, with the distribution and exercise of the functions of government, and the relations of the government authorities to each other and to the individual in his character of a citizen or subject. More specifically, Constitutional Law embraces that part of a country's laws which relates to the following topics, amongst others: the mode of electing the head of the State, whether he be emperor, king, or president; his powers and prerogatives; the constitution of the legislative body: its powers and the privileges of its members; if there are two chambers their relations *inter se*; the status of Ministers and the position of the civil service which acts under them; the armed forces of the State and the liability of the citizen to be called on to serve in them; the relations of Church and State, if these are formally recognized; the relations between the central Government and local authorities to whom subordinate functions of government are delegated; the relations between the mother country and its colonies or dependencies; the treaty-making powers, and the rules which regulate intercourse with other States; the persons who constitute the body of citizens, the terms on which foreigners may be admitted to its territories and the privileges which they are permitted to enjoy; the mode in which taxation may be raised and the revenues of the State may be expended; the constitution of the Courts of justice and the tenure and immunities of the Judges; the right to demand trial by jury, and its limits; the limits of personal liberty, free speech, and the right of public meeting or association; the rights of the citizen to vote for elective bodies, central or local, and his liability to perform civic duties, such as serving on juries or aiding in the maintenance of order.'

HOOD PHILLIPS

## CONTEMPTS

*See PRIVILEGE, BREACH OF.*

## CONVENTION PARLIAMENT

The term which is applied to those two Parliaments in English history which have restored the monarchy. The first was the Parliament of 1660 which restored Charles II to the throne, and the second was the Parliament of 1689 which offered the Crown to the Prince and Princess of Orange, afterwards William III and Mary, after the abdication of James II. These Parliaments first met without the formal summons of the Sovereign, and since under the British Constitution there can be no Parliament without a Sovereign, they were known initially not as Parliaments but as Conventions. In both cases the first act of the new reign was to convert the Convention to a Parliament.

## CO-OPERATIVE PARTY

In 1917 the Co-operative Congress meeting at Swansea decided to organize its own party, and out of 10 candidates at the General Election of 1918 one succeeded in winning a seat in the House of Commons and joined the Labour Party. Four Co-operative members were elected in 1922, in 1923 there were 6, and 5 were returned in 1924. In 1926 the Co-operative Congress and the Labour Party agreed to avoid contests between their respective candidates and to conduct joint electoral campaigns. From that time the Co-operative Party became a wing of the Labour Party, and 9 Co-operatives were returned at the General Election of 1929, their most prominent member, Mr. A. V. Alexander (afterwards Lord Alexander) becoming First Lord of the Admiralty. The Labour minority in the 1931-5 Parliament included 1 Co-operative member, but in 1935 9 candidates were successful out of 21. The party adopted a written constitution in 1938, and in 1941 the National Council of Labour was reconstituted to include equal representation of the Labour Party, the T.U.C., and the Co-operative Union. The Co-operative Party Conference in 1945, fearing political extinction, rejected a proposal that the party should affiliate nationally with the Labour Party, but endorsed negotiations for a new agreement with them, which was ratified by both parties in 1946. Affiliation between local Co-operative Society parties and constituency Labour parties was encouraged, and it was agreed that Co-operative candidates for Parliament would need to be selected by the constituency Labour party also, and would run under the designation 'Co-operative and Labour'. They would be expected, if returned, to join the Parliamentary Labour Party and abide by its standing orders. The membership of the House of Commons after the 1945 General Election included 23 Co-operatives out of 33 candidates, in 1950 18 out of 33, and in 1951 and 1955 16 out of 38. A new constitution covering both national organization and society parties was adopted in 1951, which altered the declaration made by members of the party to ensure that representatives of the retail societies on the National Committee should not be opponents of the Labour Party.

## COUNCIL OF STATES

The name given to the upper House of the Indian Parliament (q.v.).

## COUNT

*See* QUORUM.

## COUNTY FRANCHISE

*See* REPRESENTATION.

## COUPON ELECTION

When the dissolution of Parliament was announced at the conclusion of the First World War, the Labour Party decided to resume their independence and not to stand at the election as supporters of the existing Coalition Government. Lloyd George, ignoring the appeal of the Manchester Liberals that he should make his peace with Asquith and thus re-create a united Liberal Party, entered into a compact with Bonar Law. Under this arrangement all candidates who were classed as loyal to the coalition of Lloyd George Liberals and the Conservatives were to receive a certificate in the form of a letter of recommendation jointly signed by Lloyd George and Bonar Law. It was this certificate that was denounced by Asquith as a 'coupon' and which gave this designation to the election which was held in December 1918. This election was the first to be held since the passing of the Representation of the People Act of 1918 which gave the vote to women over thirty, abolished the property qualification for men, and extended the franchise to men in the services. The results of the election gave the Coalition 526 seats, although they only polled 52% of the total votes. Labour increased its representation to 63, and the Independent Liberals were reduced to 33. Asquith himself was defeated in East Fife, a seat he had held for thirty-two years.

## COURT OF REFEREES

In the House of Commons the Court of Referees, established in 1864, consists of the Chairman and Deputy Chairman of Ways and Means, the Speaker's Counsel, and not less than seven members appointed by the Speaker. The Referees are concerned with determining the rights of petitioners to be heard against Private Bills when the promoters raise objections as to the petitioners' *locus standi*. The duty of the Referees, as defined by the Standing Orders relating to Private Business, is to decide 'upon all petitions against Private Bills (and Bills to confirm provisional orders), as to the rights of the petitioners to be heard upon such petitions, without prejudice, however, to the power of the committee to which the Bill is referred to decide upon any question as to such rights arising incidentally in the course of their proceedings'. The decisions of the Court of Referees constitute legal decisions against which there is no appeal.

## COURT OF REQUESTS

A minor court of equity, closely connected with the Star Chamber, which flourished during the Tudor and early Stuart period. It was held in the Little Hall or White Hall of the Palace of Westminster, but it came to an end during the Long Parliament. The House of Lords moved into the Court of Requests building in 1801 and were still there

at the time of the fire in 1834. After the fire it was used as a temporary House of Commons, the House of Lords moving to the Painted Chamber.

## COURTYARDS OF THE PALACE OF WESTMINSTER

There are eleven open courtyards in the Palace of Westminster, five belonging to the House of Commons and six to the House of Lords. The former consist of Speaker's Court, Star Chamber Court, Cloister Court, Commons Court, and Commons Inner Court; the latter, Royal Court, Peers' Court, Peers Inner Court, Chancellor's Court, State Officers' Court, and St. Stephen's Court. Speaker's Court at the north end of the palace is joined by a carriageway to Royal Court at the south end.

## CROMWELL, OLIVER (1599–1658), AND PARLIAMENT

Oliver Cromwell first entered Parliament in 1628 for the borough of Huntingdon. In 1640 he was returned as a member for Cambridge in both the Short Parliament (q.v.) and the Long Parliament (q.v.). During the last session of the latter Parliament he served on eighteen committees and was one of the originators of the 'Root and Branch' Bill aimed at abolishing episcopacy. In the years 1641 and 1642 he was very active in urging and effecting defence preparations, and on the outbreak of the Civil War he entered the field and fought in the first engagement at Edgehill. The eventual defeat of the Royalists was due in great measure to Cromwell's masterly leadership in battle. In 1644 he was appointed a member of the committee of both kingdoms which resulted from the Solemn League and Covenant uniting England and Scotland against the King. A staunch Puritan, however, he was opposed to the influence of the Presbyterians, who soon recognized in him a dangerous opponent and were eager to curb his power. Cromwell and his supporters seized the initiative. Desirous of securing religious toleration within the army, they introduced the famous Self-denying Ordinance with the resolution 'that no member of either House of Parliament shall during the war enjoy, or execute any office or command, military or civil, and that an ordinance be brought in to that effect'. The ordinance passed the Commons on 19 December 1644, by 100 votes to 93, but was rejected by the Lords. A second Self-denying Ordinance was passed by the upper House on 3 April 1645, together with a scheme for remodelling the army. It is significant that Cromwell himself was exempted from the provisions of the Act and was allowed to continue as a lieutenant-general. After the surrender of the King, Cromwell's power as a political and religious leader greatly increased, and the struggle between the Presbyterians and the Independents—Cromwell's faction—flared up in earnest. The former were opposed to any form of toleration for Dissenters and were endeavouring

to impose their system of worship upon the whole country. The Independents were strongly opposed to the Presbyterian system and upheld religious freedom, although Catholics and Episcopalians were excepted from their benevolence. In Parliament the Presbyterians were in the majority but the Independents were overwhelmingly strong in the army, and the former realized the necessity for disbanding the army if the power of Cromwell's party was to be weakened. On 8 March 1647, the Commons passed a resolution to the effect that no member should hold a command in the army, that no higher military rank than colonel should exist under the General-in-Chief, and that the army should accept the Covenant and conform to the church system established by Parliament. The army, however, forestalled the Presbyterians by taking possession of London and establishing military authority. The Commons were intimidated into reversing a vote of censure upon the army and the Presbyterians were divested of actual power inside Parliament, although outside their influence remained considerable.

Meanwhile the King, attempting to turn the quarrel to his own advantage, was negotiating with both parties independently. Cromwell himself was sincere in his desire to reach a settlement with Charles I, but the extreme republicans within his own party were violently opposed to any agreement. Angered by the King's intrigues and duplicity, the army and Parliament eventually came to terms and agreed on joint proposals which were submitted to Charles in the form of four Bills demanding, amongst other things, parliamentary control over the army and over all taxation and the resignation of all prerogative powers to Parliament. The King rejected the Bills and the moderates and extremists in Cromwell's party closed their ranks against him. On 3 January 1648, the House of Commons resolved to discontinue all negotiation with the King. The authority of the committee of the two kingdoms was renewed except in respect of Scotland and Independents replaced the excluded Presbyterians. The Scots, disturbed by the trend of events, concluded a secret treaty with the King. This development led to the second Civil War, and Cromwell took the field again, marched north and effectively crushed the Scots. During Cromwell's absence in the north the English Presbyterians concluded an alliance with the King which became known as the Treaty of Newport. But the army, refusing to countenance any agreement, determined to act. The army leaders were resolved on bringing the King to trial, but they realized that the agreement of the House of Commons could only be secured if the Presbyterians were excluded from Parliament. This exclusion was accomplished by the unconstitutional proceeding known as Pride's Purge (q.v.), by which all members to whom the army objected were prevented from entering the Chamber. Cromwell gave his tacit approval to the purge by taking his seat in the depleted House

of Commons, which proceeded to annul all former votes for a personal treaty with the King and brought in an ordinance for bringing him to trial. There is no need to dwell here upon the trial and its tragic result.

On the death of the King the nation was faced with an unprecedented situation. Throughout the Civil War the ancient English Constitution had remained unchanged although its operation had been suspended. Now the state was without a monarch and without any legislation to provide for an alternative form of government, with the result that the remnant of the House of Commons wielded the sovereign power. It immediately took drastic measures. On 6 February 1649, it abolished the House of Lords with the resolution that 'the House of Peers in Parliament is useless, dangerous, and ought to be abolished'. On the 7th it abolished the monarchy, resolving 'that it hath been found by experience, and this House doth declare, that the office of a king in this nation, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and the public interest of the people of this nation, and therefore ought to be abolished, and that an Act to this effect be brought in'. On the 14th a Council of State was elected including Cromwell, Fairfax, Vane, Skippon, Haselrig, St. John, and Bulstrode Whitelocke, with Bradshaw as President. Its executive powers amounted to those of the King and Parliament combined. It was given control of the armed forces and was empowered to draw upon the public revenue, and its functions included the maintenance of peace at home and the restoration of order in Ireland, the suppression of royalism, the preservation of good relations with foreign powers, the protection of Englishmen abroad, and the promotion of home trade. It took immediate measures against prominent Royalists and exiled the late King's two sons on pain of death. Cromwell then conducted campaigns against Ireland and Scotland, reducing the former to subjection, and completely defeating the Scots and the last manifestations of the Royalist cause at Worcester. The triumph of republicanism was complete, and Parliament agreed to an amnesty exonerating those who had supported the King provided they pledged their allegiance to the Commonwealth.

Domestic difficulties continued to multiply, however. Parliament and the army continued to be at loggerheads with one another, the latter being far from satisfied with the administration of the realm. The nation was without a head, which led to the growth of factions; religious conflict was as violent as ever; and the abuses of power amongst parliamentary leaders were flagrant and numerous. Parliament itself feared for its own existence. It shrank from holding new elections lest the results should be damaging to the Puritan cause. It was therefore proposed that all sitting members should retain their seats and be empowered to veto any new members elected to fill vacant seats if they deemed them unfit to serve. On the question of its own duration,

Parliament resolved on 14 November 1651 that it should continue until 3 November 1654. Neither Cromwell nor the army approved the scheme. Cromwell maintained that the proposed new Parliament would merely be a continuation of the old, offering no security for religious liberty, and that the parliamentary leaders sought only to perpetuate their power. Eventually, driven by the widespread corruption which continued to flourish and by pressure from the army, Cromwell decided to act. It was typical of the man that once he had resolved upon the necessity for drastic action he used no half-measures. On 20 April 1653, Cromwell received news that Parliament was proceeding with its Bill to prolong its own life in spite of his objections. He left at once for the House of Commons, where he took his usual seat and remained silent until the question was put for the final division. At this point he rose and addressed the House. He began by praising the early works of the Long Parliament, but then he changed his tone and denounced it for its injustice and tyranny, its corruption and self-interest. His passion mounted and he turned upon the members individually, condemning each one for his personal vices without mentioning his name, but indicating by gesture the object of his wrath and scorn. Clapping his hat on his head to show his lack of respect for this Parliament, he paced up and down the Chamber, and stormed, 'You have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go!' Sir Peter Wentworth rose and reproached 'their servant whom they had so highly trusted and obliged', in response to which Cromwell cried, 'Come, come, I will put an end to your prating. You are no Parliament. I say you are no Parliament. It is not fit you should sit here any longer.' So saying he ordered in the detachment of soldiers which had accompanied him to the House and instructed them to clear the Chamber. The Speaker was forcibly plucked from the Chair, and as his eyes fell upon the Mace, Cromwell asked his famous question, 'What shall we do with this bauble?', adding, 'Here, take it away!' As the members departed he poured further invective upon them, and in justification of his action he cried out, 'It is you that have forced me to do this, for I have sought the Lord night and day that He would rather slay me than put me upon the doing of this work.' Then he snatched the offending Bill from the clerk at the table, pocketed it, and ordered the door to be locked. The same afternoon Cromwell informed the Council of State that its powers had ceased since Parliament was dissolved; but before they dispersed Bradshaw replied, 'Sir, we have heard what you did at the House this morning, and before many hours all England will hear it; but you are mistaken to think that the Parliament is dissolved; for no power under heaven can dissolve them but themselves; therefore take you notice of that.' Bradshaw was proved right in the end, for although no one in the country regretted the passing of the Long



Parliament immediately after its expulsion, the constitutional ideal which that Parliament had represented was indestructible, and all Cromwell's attempts to provide reasonable alternatives were henceforth doomed to failure.

King, Lords, and Commons having been removed in turn, the country found itself without legislative or executive authority, and the only constituted authority remaining was Cromwell himself by virtue of his commission as Commander-in-Chief. He was thus an absolute dictator, but was nevertheless anxious to preserve constitutional forms and to resolve any doubts as to his motives. Accordingly, after declaring the cause of the dissolution of the Long Parliament, Cromwell and his officers called together a body of 140 nominees, which has been known variously as the Assembly of Nominees, the Little Parliament, and the Barebones Parliament (q.v.). The members were selected as being 'God-fearing men, who had given proofs of their fidelity, energy, and devoted zeal for the cause of God'. The Little Parliament met on 4 July 1653, and in his opening address Cromwell committed to it the supreme power and control of the nation. A Speaker was called to the Chair without ceremony and was re-elected each month while the Parliament lasted. It adopted the title of Parliament of the Commonwealth of England and was authorized to appoint another assembly before 3 November 1654, which should inherit its authority. For all its failings the Little Parliament was at least active and conscientious, and it embarked upon a programme of drastic reforms in which it exhibited more zeal than judgment. It abolished the Court of Chancery, revised the legal code, reformed judicial procedure, and established marriage as a civil ceremony. Simultaneously, it set about the reform of the Church, and far from reconciling the religious factions as Cromwell had hoped, further embittered relations between the sects. A proposal to abolish tithes, which would have deprived the clergy of their means of subsistence, was referred to a committee which drew up a scheme for church reform. The dissension over the scheme precipitated the downfall of the Little Parliament, for in the ensuing debate the first clause of the committee's report, which was regarded as vital to the scheme, was negatived, and the minority who had favoured it agreed upon a means of bringing the Parliament to an end. On 12 December they came early to the House and moved 'that the sitting of this Parliament any longer, as it is now constituted, will not be for the good of the Commonwealth, and that therefore it is requisite to deliver up to the Lord General Cromwell the powers which they had received from him'. A short debate took place on the motion which its opponents endeavoured to prolong until more of their supporters could be mustered, but the Speaker, who was with the minority in their conspiracy, terminated the debate by leaving the Chair without putting the question and, followed by a number of members, proceeded to

Whitehall where they all signed an instrument of abdication surrendering their powers to Cromwell.

Once more Cromwell found himself in the position of a dictator, and this time Lambert and other military leaders persuaded him to accept the written constitution they had prepared, known as the Instrument of Government. Under this constitution authority was vested in a single person, styled the Lord Protector, and a Parliament. The Protector possessed the executive power and Parliament the legislative power, but both were subject to limitations. Bills passed by Parliament required the assent of the Protector, but he had no power to veto any legislation unless it conflicted with the constitution. In all administrative matters the Protector required the consent of a Council of State, which was to consist of not more than 21 persons appointed for life, a body described by Cromwell as 'the trustees of the Commonwealth in the intervals of Parliament'. The Protector, with the advice of the Council, was empowered to make ordinances until the first Parliament was called. Parliament was to be summoned every three years and could not be dissolved within the first five months of being called save by its own consent. Its control over finance was only partial, as it was not empowered to reduce the annual revenue required for the ordinary expenses of government. The Parliament was to consist of 400 members from England, 30 from Scotland, and 30 from Ireland. The representative system was revised and a number of small boroughs in England were disfranchised, their representatives being given to the counties or large towns previously unrepresented. County representation was increased, but the franchise was restricted to men owning £200 worth of property. The borough franchise remained unaltered. Roman Catholics and all those who had taken part in the Irish rebellion were permanently disfranchised, and those who had taken part in any war against Parliament since 1642 were ineligible to vote or to be elected for the first four Parliaments of the Protectorate. Power was thus divided in such a way as to render no one authority supreme. The constitution also embodied religious tolerance as one of its principles, with the usual proviso excluding Catholics and Episcopalians.

Cromwell was formally installed as Protector on 16 December 1653. He was dressed as a common citizen in a plain black coat to show that the period of military government was at an end. During the nine months which followed before the first Parliament of the Protectorate assembled, Cromwell proved his ability and sagacity as a ruler. He issued eighty-two ordinances aimed at laying the foundations of an enlightened society, and they included an Act reforming the Court of Chancery instead of abolishing it, and measures of legal and social reform. The first Parliament of the Protectorate met on 3 September 1654. To Cromwell's surprise and chagrin it immediately called in

question the fundamental basis of the constitution. It objected to the Instrument of Government as representing the will of the army, and refused its unqualified acceptance of the principle of dividing authority between Parliament and a single person whose will would prevail in the event of conflict, particularly when that single person was the head of the army. They demanded that the office of Protector should be subject to parliamentary control. Cromwell, chastened by past experience, was reluctant to surrender too much control to Parliament, and on 12 September he addressed the assembly and stated his own views. He refused to agree to any alteration in the Instrument of Government, insisting that some basis of government was essential. On the 14th Parliament agreed to recognize the constitution in principle and a majority of the members signed a declaration of allegiance to the Lord Protector, but they refused to be bound by each of the forty-two articles of the Instrument of Government and thus reserved the right of Parliament to revise any part of it. During the next four months the various provisions of the Instrument of Government were debated at length and Parliament agreed to a number of resolutions having the effect of limiting the Protector's powers. They declared the office to be an elective and not an hereditary one, excepted the crimes of treason and murder from his special power of pardon, resolved that the Council of State should require the approval of Parliament, and demanded parliamentary control of the army. All these resolutions conflicted with the constitution, and Parliament's interminable discussions were holding up legislation necessary to the normal government of the country. The dissension was also encouraging renewed activity among the Royalists and a plot was afoot to overthrow Cromwell and the Commonwealth. In the face of these difficulties Cromwell decided to dissolve Parliament on the expiration of the five months guaranteed by the constitution, and he accordingly did so on 22 January 1655.

Because of the dangers which threatened the Commonwealth, Cromwell reverted to military government. He was loth to govern in an unconstitutional manner, but the time was one of crisis, and in the absence of any alternative means of raising revenue he levied taxes on his own authority. On 17 September 1655, faced with a war with Spain and conscious of the need for legislative sanction to endorse his actions, he summoned another Parliament. To avoid a repetition of the last Parliament, each member was subject to the approval of the Council of State, exercising a right held under the Instrument of Government. This resulted in the exclusion of about 100 members, some of whom were subsequently admitted to the House upon submitting a remonstrance. Cromwell opened the session with an impassioned appeal to the Parliament to support him and his government, and in response Parliament proceeded to pass some necessary measures, including the voting of a subsidy.

At the beginning of 1657, Parliament raised the question of reverting to a form of government more in accord with the ancient constitution with Cromwell as King. The matter was first formally discussed on 23 February, and Parliament drew up a scheme embodying their proposals known as the Humble Petition and Advice. The army was immediately opposed to the scheme, but Cromwell was more reserved in his judgment. He pointed out that as Protector he had no authority over parliamentary enactments whereas if he assumed the title of King he would exercise a right of veto. He therefore took time to consider the Humble Petition and Advice, whose eighteen articles amounted to a new constitution. It provided for a second chamber to be nominated by the Protector, gave the latter the right to appoint his successor, granted a fixed sum for the maintenance of the armed forces, and endorsed the principle of religious toleration with the usual proviso. The final article, which provoked bitter controversy, proposed 'that the Protector be requested to assume the name, style, title, dignity, and office of King of England, Scotland, and Ireland, and to exercise the same according to the laws of these nations'.

Eventually, after much personal consideration and deliberation with others, Cromwell rejected the title of King but accepted the proposed scheme in all its other articles. The new constitution was inaugurated with much pomp and ceremony on 26 June 1657, and henceforward Cromwell was King of England in all but name, his powers being much greater than they had been under the Instrument of Government. His difficulties were far from diminished, however, and in accepting the new constitution he alienated many of his republican supporters. Furthermore, one of the provisions of the Humble Petition and Advice opened the door to his opponents by prohibiting the exclusion of any candidates properly elected to Parliament.

In accordance with the second chamber provision of the constitution Cromwell decided to re-create the House of Lords, and he summoned, in addition to the judges, 63 members, including existing and newly created peers. A fresh complication now arose, for the House of Commons, which now contained many ardent republicans, was reluctant to recognize the existence of an upper House. Cromwell was determined to govern according to the constitution and he informed the Commons of his intention in the most emphatic terms. But the crisis soon became acute. The Commons complained that they were being forced to recognize a body which had been abolished and declared that no authority had the right to overrule the Commons of England to whom sovereignty rightly belonged, and they proposed certain measures aimed at reducing the Protector's constitutional powers and restoring a unicameral Parliament. This decided Cromwell and he determined on a dissolution.

On 4 February 1658 Cromwell entered the chamber of the upper

House and sent word to the Commons requiring their attendance. Addressing both Houses he told them that he had not sought his exalted position but had acted in accordance with the constitution thrust upon him by Parliament. The Protector continued, 'I would have been glad to have lived under my woodside, to have kept a flock of sheep, rather than undertaken such a government as this. But undertaking it by the Advice and Petition of you, I did look that you who had offered it unto me should make it good. I did tell you that I would not undertake it, unless there might be some other persons to interpose between me and the House of Commons, who then had the power, and prevent tumultuary and popular spirits: and it was granted I should name another House. I named it of men who shall meet you wheresoever you go, and shake hands with you, and tell you it is not titles, nor lords, nor parties that they value, but a Christian and an English interest. Men of your own rank and quality, who will not only be a balance unto you, but a new force added to you, while you love England and religion. Having proceeded upon these terms I thought I had been doing that which was my duty, and thought it would have satisfied you. But if everything must be too high or too low, you are not to be satisfied.' With mounting emotion Cromwell proceeded to reproach the Commons for their activities, and concluded, 'And if this be the end of your sitting, and this be your carriage, I think it high time that an end be put to your sitting. And I do dissolve this Parliament. And let God be judge between you and me.'

Thus ended Cromwell's parliamentary government, and until his death on 3 September 1658 he governed without Parliaments. A man of ability, honesty, and courage, fired by a deep religious fervour, the measure of Cromwell's success lay in his practical achievements. His government was well-ordered and enlightened and highly respected by foreign powers. His failure to establish himself as a constitutional ruler was due not to any personal failings in himself but to the irregular source of his power. He was too thoroughly English to question the necessity of the parliamentary system, but he failed to realize the impossibility of reconciling his own position with an institution deeply rooted in ancient law and custom.

The Commonwealth, having lost its strong man, did not long survive Cromwell. The Protector had appointed his third son, Richard, to succeed him, but the new Protector found himself little more than the tool of the army, and was neither slow nor reluctant to abdicate when circumstances forced this step upon him. The heightened dissension between Parliament and the army served only to emphasize the necessity for a return to the traditional form of government, and within two years of Cromwell's death the restoration of the monarchy had been established.

(For further reading see Trevor-Roper's essay, 'Cromwell and his

## Crossing the Floor

Parliaments' contained in *Essays presented to Sir Lewis Namier*, 1956, edited by Pares & Taylor.)

See also COMMONWEALTH, 1658-1660.

## CROSSING THE FLOOR

When a Member of Parliament changes his political allegiance he is said to have 'crossed the floor'. The seating arrangement adopted in most of the Parliaments of the British Commonwealth, whereby the party in power and the Opposition sit facing each other, explains how the expression arose. As Sir Winston Churchill observed during the debate on the rebuilding of the House of Commons in 1943, 'The party system is much favoured by the oblong form of Chamber. It is easy for an individual to move through those insensible gradations from left to right' (referring to a semi-circular assembly) 'but the act of crossing the floor is one which requires serious consideration.' Added Sir Winston, 'I am well informed on this matter, for I have accomplished that difficult process not only once but twice.'

## CROWN AND PARLIAMENT

Neither the House of Commons nor the House of Lords, whether acting separately or together, has any power to legislate without the assent of the Crown. It is now only for the purpose of reading the Speech from the Throne that the Queen is personally present in Parliament, the Royal Assent to Bills being given by a Commission appointed under the Great Seal. Although Charles II revived the practice of attending debates in the House of Lords it had already become unusual since the days of the *Curia Regis* (q.v.), but contact between the Crown and Parliament is maintained informally by ministers and formally by messages, both written and verbal, and by addresses. A written message under the Royal Sign Manual is usually delivered to both Houses, and generally acknowledged by an address similar in form to that presented in answer to the royal speech at the Opening of Parliament. The subject of a message usually relates to the Crown, its prerogatives, property, or financial provision for the Royal Family, otherwise to an important public event, such as a declaration of a state of emergency, which requires the attention of Parliament. A royal message is presented in the House of Commons at the Bar by a minister or member of the Royal Household and read by the Speaker. In the House of Lords the peer charged with the message announces it from his place, and it is read by the Lord Chancellor. Congratulatory and condolatory messages can also be sent by both Houses to members of the Royal Family. Verbal messages are delivered by a minister to the House of which he is a member, and are generally adapted to special forms of procedure, such as the 'Queen's Consent' and 'Queen's Recommendation' (qq.v.). Another form of verbal message is the

signification of the Queen's pleasure in such formal and regularly occurring matters as prorogation, the opening of a new Parliament, and the election and royal approbation of the Speaker. Addresses to the Queen may be made jointly by both Houses, although this has not been done since 1842, and they are more often presented by each House singly. In the Commons the motion for an address is in the form 'That an humble address be presented to Her Majesty to . . .', and requires notice and admits of debate, amendment, and division. It may be presented by the Speaker and the whole House on great occasions such as the Silver Jubilee of George V, or the victorious conclusion of the last war, but is usually presented by a Privy Councillor or member of the Royal Household. In the House of Lords an address is usually ordered to be presented by the Lords with White Staves, i.e., the Lord Steward and the Lord Chamberlain. Her Majesty's reply to an address is reported to the House by the Speaker when it has been presented by the whole House, or by a member of the Royal Household (who is also an M.P.), who reads the answer at the Bar, when the address has been presented in the ordinary way. An address may deal with any matter regarding the government or welfare of the state.

*See also* PARLIAMENT; ROYAL PREROGATIVE; SOVEREIGN and individual sovereigns from Elizabeth I to Victoria.

## CROWN OFFICE

*See* CLERK OF THE CROWN.

## CRYPT CHAPEL, PALACE OF WESTMINSTER

Properly called the Chapel of St. Mary Undercroft, it lies beneath St. Stephen's Hall and was built between 1292 and 1327. It was severely damaged in the fire of 1834, but the original rich ornamentalions in colour and gold were reproduced by E. M. Barry, son of Sir Charles Barry, the architect of the present Palace of Westminster. The Chapel has not been able to preserve its sacred character for all the six-hundred-odd years of its existence; it has been used at different times as a coal cellar, stable, and as the Speaker's dining-room. Marriages of M.P.s and the baptism of their children sometimes take place in the Crypt Chapel.

## CURIA REGIS

The court of the Norman and Angevin Kings which conducted the business of central government in all its branches. It was partly descended from the Anglo-Saxon Witenagemot (q.v.) but it probably had more in common with its French counterpart, the *Curia Ducis*, the feudal council of the Dukes of Normandy. The King was the unquestioned and absolute ruler, but like any other feudal lord he

## Cyprus Legislative Council

sought the counsel of his vassals. Consultation between a lord and his tenants was deeply rooted in feudal custom, and the King must have been fully aware of the weight which would be attached to his decrees when consented to by the august assembly which constituted the *Curia Regis*. It included the King's barons or tenants-in-chief, officials of the Royal Household, the high officers of Church and State, and such other persons as the King chose to summon. The principal officers of State were the justiciar, the chancellor, the treasurer, the chamberlain, the constable, the marshal, and the King's justices.

The *Curia Regis* was a single organ of government exercising legislative, judicial, and executive functions. In the words of G. B. Adams, it was 'the mother of a numerous progeny', for from it there developed the Exchequer, the Courts of Common Law and Chancery, the House of Lords, the Privy Council—in fact most of the great institutions of government. In the reign of Henry I there is evidence of a large and a small assembly, the greater consisting of all the barons summoned for a special purpose, the smaller comprising the officials and such barons and bishops as were readily available, which remained in permanent session for the purpose of dealing with the regular business. But the latter was not in any sense a committee of the former. Both bodies were the *Curia Regis* with functions undistinguished from each other. It was only gradually and at the demand of practical convenience that the various organs of state began to separate. It is not possible to assign definite dates to these developments, but the Exchequer was the first department to acquire a separate entity in the 12th century. The Common Law Courts, the Court of Chancery, the House of Lords, and the Privy Council became separate institutions in the 13th and 14th centuries. The Privy Council is generally regarded as the continuation of the *Curia Regis* after the other branches of government had become dissociated from each other. The last full meeting of the *Curia Regis* as such took place as late as 1640.

(Further reading: Baldwin, *The King's Council*, 1913.)

## CYPRUS LEGISLATIVE COUNCIL

From 1882 to 1931 Cyprus was governed under constitutions which provided for an elected element in the Council, but as the result of serious disturbances in 1931 the Council was suspended and legislative power vested in the Governor, the Executive Council being retained to advise him. In 1946 and again in 1954 attempts were made by the British Government to initiate self-governing institutions, and from 1948 to 1954 the offer of a liberal Constitution remained open. In July 1956 Lord Radcliffe was appointed to consider the framework of a new Constitution, and his proposals (Cmnd. 42), which were accepted by the British Government, included the formation of a Legislative Assembly, with 30 elected and 6 unofficial nominated members, which



would be responsible for all matters with the exception of defence, external affairs, and internal security. The Governor would be empowered to legislate by ordinance in reserved matters—chiefly aspects of education, broadcasting, and matters of particular interest to the Turkish-Cypriot community. The Secretary of State for the Colonies announced in the House of Commons on 19 December 1956 that the new Constitution would be introduced as soon as the Government was satisfied that a situation existed in Cyprus in which genuine elections could be held, free from violence and intimidation.

# D

## DEATH OF A MEMBER

In the House of Commons it is not usual to move a motion of condolence on the death of a member, but on 21 July 1937 Miss Thelma Cazalet (afterwards Mrs. D. Cazalet-Keir) asked Mr. Speaker Fitzroy if he would consider a request 'that some reference should be made in this House on the death of one of its Members . . . and whether you would consider making the appropriate statement yourself?' The Speaker said he would consider it, and on 28 July announced that he proposed to refer to the death of any member and to the loss sustained by the House as from the beginning of the next session (October 1937).

## DEBATE, LIMITATION OF

*See* CLOSURE; GUILLOTINE; SUPPLY DAYS.

## DEBATE ON THE ADDRESS

The Queen's Speech at the opening of each session of Parliament descends from the address made by the Chancellor in medieval times which explained to a Parliament the cause of its summons. Since the Cabinet system was established, the Speech from the Throne has been used to announce the programme of legislation for the session and to set forth the Government's policy. The address in reply is moved in both Houses and is limited to the expression of humble thanks for the Gracious Speech. The debate on the Speech occupies about two weeks and provides an opportunity for a general review of the Government's policy. Amendments to the motion are also moved which usually express regret for the omission of particular items from the legislative programme and any division which takes place is always on an amendment to the address, as it would be considered discourteous to oppose the address itself. It is considered an honour to be chosen by the Prime Minister to move and second the address in reply, and before the War civilian members wore court dress and service members uniform for the occasion. A member is expected to recognize the honour to his constituency as well, and to take the opportunity to praise its industries or its amenities. In Canada, Australia, and New Zealand a similar debate is held at the beginning of a new session on the address in reply to the speech of the Governor-General.

## DEBATE, RULES OF

There are a number of basic rules and principles which govern all debate in the House of Commons, and which have been adopted in the main by the other Parliaments of the Commonwealth.

A member wishing to speak must rise in his place (unless he is prevented from doing so by some infirmity) and address the House from where he stands. This rule does not apply to ministers and members of the Opposition Front Bench who are permitted to address the House standing at the despatch boxes.

A member is allowed to wear a hat when seated but must always rise uncovered. Women members, however, are not bound by this rule. A further exception is made if a member desires to raise a point of order during a division (q.v.), in which case he addresses the Chair seated and covered.

A member may only speak when there is a question before the House, unless he is moving or seconding a motion or making a personal or a ministerial statement. He must address the House in English. He must not read a speech but is permitted to make use of notes. He may, however, read extracts from documents during the course of a speech, and there are certain other recognized exceptions to this rule. Ministers, for instance, may read the answers to questions, and when the Chancellor of the Exchequer delivers his Budget speech, or when a minister makes an important policy pronouncement or explains a highly technical Bill, considerable latitude is allowed.

A member may only speak when called upon to do so by the Speaker. According to Erskine May, 'When two or more members rise to speak, the Speaker calls on the member who, rising in his place, is first observed by him.' Hence the term 'catching the Speaker's eye'. In actual fact the choice lies within the discretion of the Speaker and his decision may not be challenged. Once in possession of the floor a member is entitled to be heard without interruption (except on a point of order), unless he is irrelevant, repetitive, or out of order, in which case he is liable to be checked by the Speaker. He may consent to yield to an interruption for the purpose of explanation or elucidation, but he is entitled to refuse to give way.

All speeches must be addressed to the Chair. It is out of order to address another member directly in the second person or to refer to him by name. If another member is referred to in the course of a speech it must be in the form of 'the Honourable Member for West Worthing' or 'the Honourable Member opposite' or some such suitable alternative. Privy Councillors are referred to as 'the Right Honourable Member'; ministers are usually referred to by the offices which they hold, although one often hears 'the Right Honourable gentleman' or 'my Right Honourable friend'. Commissioned officers of Her Majesty's

## Debate, Rules of

forces are 'the Honourable (or Right Honourable) and gallant Member' and barristers are 'the Honourable (or Right Honourable) and learned Member'. A baronet is referred to as 'the Honourable Baronet' and a peer sitting in the House of Commons as 'the Noble Lord'. The purpose of these forms is to render criticism strictly impersonal, thus reducing the possibility of acrimonious debate and maintaining the dignity of the House.

Members must address the Chair from 'within the House'. The side galleries are technically within the House but not the cross benches below the Bar. Members often congregate at the Bar or behind the Speaker's Chair to listen to debates, but they would not themselves be permitted to speak from these positions.

Except in committee, no member is permitted to speak more than once to the same question except by leave of the House. This rule is relaxed in favour of the mover of a substantive motion (q.v.), who has the right of reply, and a member in charge of a Bill under consideration which has been amended by a Standing Committee. Leave to speak a second time is usually granted to a member wishing to clarify a misconception, a member wishing to answer a personal attack upon his conduct or character, or a minister wishing to sum up for the Government at the end of a debate.

No member may remain on his feet if the Speaker rises to intervene or to give a ruling.

Maiden speeches are always given priority and accorded special courtesy. A member making his maiden speech (q.v.) usually avoids controversial matters, and it is the custom for the member who follows him to congratulate him.

A member who has not concluded his speech at the moment of the automatic interruption of business, or who moves the adjournment of a debate, takes precedence on the resumption of that debate.

The following list of breaches of order while speaking is given by Erskine May:

(1) A member may not allude to a debate of the same session upon any question or Bill not then under discussion. This rule is not always strictly enforced, but exists to ensure that a matter cannot be reopened for discussion once a decision has been reached.

(2) A member may not speak against or reflect upon any determination of the House, unless he intends to conclude with a motion for rescinding it. This rule is always strictly enforced.

(3) A member may not allude to debates in the other House of Parliament. This rule is relaxed to permit reference to Government statements in the House of Lords, and it is also frequently evaded by referring to the upper House as 'another place'.

(4) A member may not utter treasonable or seditious words, or use the Queen's name irreverently or to influence debate.

(5) A member may not speak offensive or insulting words against the character or proceedings of either House.

(6) A member may not refer to matters pending a judicial decision. This rule is sometimes relaxed, and it is for the Speaker to intervene if he feels there is a danger of a debate prejudicing the conduct of judicial proceedings.

(7) A member may not, unless upon a substantive motion for that purpose, reflect upon the conduct of persons in authority. The persons covered by this rule are the Sovereign, the Heir to the Throne, Governors-General, the Lord Chancellor, the Speaker, the Chairman of Ways and Means, members of either House of Parliament, and the Judges of the Superior Courts.

(8) A member may not make personal allusions to other Members of Parliament. The effect of this rule is to prohibit the making of derogatory references to the character, appearance, or private life of another member, or any suggestion that he is actuated by base motives.

(9) A member may not obstruct public business. The interpretation of this rule must obviously lie within the discretion of the Chair.

In addition to the rules listed above, it is out of order to anticipate a matter which has yet to be debated, and it is improper for a minister to cite documents which he is not prepared to 'lay on the Table' (i.e., make them available to other members).

Members who are not speaking are required to remain in their places unless they wish to leave the Chamber. They must enter and leave the Chamber in a decorous manner and are expected to bow towards the Chair upon entering and leaving. They should not cross the floor between the Chair and the speaker addressing the House. Reading, writing letters, and carrying on conversations are, strictly speaking, not allowed, but a certain latitude necessarily exists. A member may, for instance, wish to read something bearing upon the debate, and the need for a hurried consultation between a group of members might arise. Certain interjections such as 'Hear, hear', 'Order', 'Answer', and 'Divide' are permissible unless deliberately repeated for the purpose of obstructing a speaker. Clapping, hissing, and cries of 'Shame' are not in order. Needless to say, any language normally considered improper would never be overlooked if used by a member in the House.

In the House of Lords debate is usually conducted in a calmer and more sedate atmosphere, but similar rules and principles are required to be observed. A speaker, however, does not address the Chair; he addresses the House direct and commences his speech, 'My Lords'. He refers to another peer as 'the Noble Lord' or, according to his rank, as 'the Noble Earl', 'the Noble Viscount', etc.

## EBATES, LONGEST

The longest debate in the House of Commons on any one Bill was in 1893-4, when the stages of the Government of Ireland Bill took eighty-two days. The Budget resolutions and Finance Bill in 1909

## Debates, Official Report of

took seventy-four days, of which ninety hours were spent on 554 divisions.

## DEBATES, OFFICIAL REPORT OF

See HANSARD; PARLIAMENTARY DEBATES.

## DEBRETT, JOHN (d. 1822)

In 1781, Debrett took over the publishing business of John Almon (q.v.), and from 1781 to 1822 he was the editor of the famous *Peerage* which still bears his name. It was first published as *The New Peerage; or Ancient and Present State of the Nobility of England*, and in 1802 was re-named *Debrett's Correct Peerage*. It is now published as *Debrett's Peerage, and Titles of Courtesy*, and is a standard work of reference containing genealogical details of titled families and illustrated with armorial bearings. It also contains much related information, including tables of precedence and descriptions of orders and decorations. The companion work, *The Baronetage of England*, first appeared in 1808.

Debrett also compiled a record of parliamentary debates covering the years 1743 to 1774 and a *Register of Proceedings of both Houses from 1780 to 1803* which together comprise 63 volumes. Debrett's Debates were one of the sources from which Cobbett and Wright compiled the *Parliamentary History* (q.v.).

## DECLARATION OF RIGHT

See BILL OF RIGHTS.

## DEFENCE MINISTER

A Minister for the Co-ordination of Defence was appointed a member of the Cabinet in 1936 to act in defence matters on behalf of the Prime Minister (q.v.), and was assigned a salary of £5,000 per annum by the Ministers of the Crown Act, 1937. Sir Thomas Inskip was the first Minister to be appointed and he was succeeded in 1939 by Lord Chatfield. The office fell into abeyance when Sir Winston Churchill assumed the title of Minister of Defence on becoming Prime Minister in 1940, and the Ministry was not formally constituted with a Department until the passing of the Ministry of Defence Act in 1946. This Act makes the Minister responsible for the apportionment of resources between the three services in accordance with the strategic policy laid down by the Defence Committee of the Cabinet, the settlement of administrative questions on which a common policy is desirable, and the administration of inter-service organizations such as Combined Operations Headquarters and the Joint Intelligence Bureau. The Defence Committee, formerly known as the Committee of Imperial Defence, consists of the Prime Minister as Chairman and the

Minister as Deputy Chairman, the Lord President of the Council (q.v.), the Foreign Secretary (q.v.), the Chancellor of the Exchequer (q.v.), the First Lord of the Admiralty (q.v.), the War Minister (q.v.), the Air Minister (q.v.), the Minister of Labour (*see* LABOUR AND NATIONAL SERVICE, MINISTER OF), and the Minister of Supply (*see* SUPPLY, MINISTER OF). The service chiefs attend its meetings and other ministers, officers, and Civil Servants may also be summoned.

When Clement Attlee became Prime Minister in 1945 he followed Winston Churchill in also assuming the title of Minister of Defence. The first Minister to be appointed under the Act of 1946, was A. V. Alexander, who was succeeded in 1950 by Emanuel Shinwell. When Sir Winston Churchill regained office in 1951 he again became Minister of Defence in addition to Prime Minister. In 1952 he handed over the Defence Ministry to Field-Marshal Lord Alexander of Tunis.

The salary of the Defence Minister is £5,000 a year plus an additional £750 if he sits in the House of Commons.

A chronological list of the holders of this office appears as Appendix 13.

The Estimates (q.v.) of the Ministry of Defence are published separately from all other Estimates.

### 'DEFINITE MATTER OF URGENT PUBLIC IMPORTANCE'

In the House of Commons under Standing Order No. 9 a member may rise after Questions and move the adjournment for the purpose of discussing a definite matter of urgent public importance. A very small proportion of such motions are accepted by the Speaker as coming within the terms of the Standing Order, but if he is satisfied that they do, he will ask whether the motion in question has the leave of the House. If as many as 40 members rise in their places it is assumed that the motion has leave, and the debate thereon stands over until seven o'clock the same evening. If less than 40 members rise, but more than 10, the question of whether leave is granted is put to the vote. These motions are something like emergency motions of censure because they are generally used for the purpose of criticizing the Government in connexion with some recent incident for which it can be blamed. The Speaker has ruled that as well as the other conditions being strictly fulfilled, there must be definite ministerial responsibility for the matter which it is sought to discuss.

### DELEGATED LEGISLATION

Laws (or rules and regulations with the effect of law) which Parliament by statute has sanctioned can be made by some authority other than itself. This delegation of powers is a comparatively modern practice, and prior to 1800 there are only about thirty specific instances.

## Delegated Legislation

One of the earliest was a law of 1385 which provided that the Staple should be held at places and times and in such manner as should be ordained by the King's Council, with the authority of Parliament. The famous Statute of Proclamations of 1539 gave Henry VIII power to legislate by proclamation, but the intention here was not so much to delegate Parliament's powers but to define the King's. To this end the statute provided that the Common Law, statute law, and rights of property should not be affected by Royal Proclamations.

In the early 19th century the practice of delegating legislative powers was beginning to receive recognition, but even then Parliament was able to do most of the law-making that the country required. The Acts of that period are full of detail, and there were still only a few isolated instances where regulations were permitted to be made by some authority other than Parliament. With the advent of the Reform Bill of 1832 and the reforms in local government came a great increase in the volume of delegated legislation. According to Maitland, Parliament at this time began to legislate with remarkable vigour, to overhaul the whole law of the country, to lay down general rules and entrust their working to officials, ministers, and boards of commissioners. The First World War caused a further rapid rise in the tide of delegated legislation, but the powers conferred by the Defence of the Realm Acts of those years were small compared to those given by the Emergency Powers (Defence) Act of the Second World War. This Act empowered the Crown to make regulations by Order in Council 'for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community'. To quote Professor Maitland again, 'We are becoming a much governed nation, governed by all manner of councils and boards and officers, central and local, high and low, exercising the powers which have been committed to them by modern statutes.' Indeed, there has been much public concern over the growth of bureaucracy in Britain, and the publication by Lord Hewart (who was then Lord Chief Justice) in 1929 of his book, *The New Despotism*, caused a considerable stir. Dr. Allen, in his *Law and Orders*, also stresses the dangers of delegating extensive legislative powers. However, apart from national emergencies when parliamentary processes are too slow in any case, Parliament has not sufficient time to deal with minute details of legislation, and while it continues to pour forth new laws, it must delegate the formulation of those details to the government department concerned.

In 1929 the Committee on Ministers' Powers (the Donoughmore Committee) was appointed to consider the whole question of the powers exercised by Ministers of the Crown, and their report was published in 1932. Although the committee considered that the



system of delegated legislation was indispensable, it pointed out certain dangers inherent in it and made recommendations for further safeguards. Those existing at present include the examination of Statutory Instruments (the medium of delegated legislation) by a Sessional Committee in the House of Commons and by a similar committee in the House of Lords; the fact that certain orders require parliamentary approval before they can operate; the procedure by which other orders laid before Parliament can be annulled as a result of an adverse vote following a debate on a 'prayer'; and the fact that any order can be challenged in the courts and, if the court so decides, declared *ultra vires*. Parliament can also revoke delegated powers at any time. Further safeguards which were advocated by the Donoughmore Committee, including the appointment of a committee to scrutinize all Acts involving delegated legislation, have not yet been adopted. (The machinery of delegated legislation is dealt with under the heading STATUTORY INSTRUMENTS.)

## DEMISE OF THE CROWN

Until 1867 the demise of the Crown affected the existence of Parliament, the reason being that the Sovereign summoned the estates of the realm, by writ, to confer with him, and on his death the invitation lapsed and Parliament was automatically dissolved. This inconvenience was met by a series of statutes, and an Act of 1695 provided that Parliaments should last for six months after the demise of the Crown, if not sooner dissolved by the new Sovereign. The Representation of the People Act, 1867, made the duration of a Parliament independent of the demise of the Crown. This is the only occasion upon which Parliament is required to meet without summons in the usual form, as by the Succession to the Crown Act, 1707, on the demise of the Crown Parliament has to meet immediately, whether it is already sitting or separated by adjournment or prorogation, and members then take the oath of allegiance to the new Sovereign. If the demise occurs subsequent to a dissolution but before the day appointed for the meeting of the new Parliament, the old one has to convene and sit for six months, unless sooner prorogued or dissolved by the new Sovereign (Meeting of Parliament Act, 1797). Most contingencies seem to have been provided for, but even now there is no provision for the remote possibility that a Sovereign might die after a dissolution and before the writs were issued.

## DEPENDENT MOTION

See SUBSIDIARY MOTION.

## DEPUTY CHAIRMAN

See CHAIRMAN OF WAYS AND MEANS.

## Deputy Speaker •

### DEPUTY SPEAKER

Before 1855 there existed no provision for a deputy to act as Speaker during an enforced absence. Consequently, if the Speaker fell sick the House was forced to adjourn for the duration of his indisposition, or, if the absence were likely to be prolonged, to elect a temporary Speaker who retired when the real Speaker recovered. In 1855, as the result of a Select Committee report, a Standing Order was introduced enabling the Chairman of Ways and Means (q.v.) to deputize for the Speaker whenever necessary, and in 1902 this provision was extended to the Deputy Chairman also. Either of these officers may take the Chair as Deputy Speaker whenever the House shall be informed by the Clerk of the unavoidable absence of the Speaker, or at the request of the Speaker without any formal communication to the House. Until 1909, the consent of the House was still technically required before the Speaker could be relieved. The powers of the Deputy Speaker are confirmed and given statutory authority by the Deputy Speaker Act, 1855.

It is interesting to note that the extraordinary degree of health enjoyed by Speakers prior to 1855 was such that there were only twenty-nine absences during three centuries (1547–1853). •

### DESPATCH BOXES

• In the House of Commons the two despatch boxes are placed on the Table of the House. That on the Government side contains two oath cards, an affirmation card, a Hebrew Old Testament, a Bible (Authorized Version), a Douay Bible (a translation of the Vulgate used by Roman Catholics), and two New Testaments. The despatch box on the Opposition side contains a New Testament and an oath card, so that the contents of both boxes are solely concerned with the swearing-in of members. The present despatch boxes were a gift from New Zealand. The old ones, which bore the impressions of Gladstone's signet ring received during moments of impassioned oratory, were lost when the Chamber was destroyed by bombs in 1941.

### DEVOLUTION

In the constitutional sense, the passing of power and authority from one legislative body to another, e.g., Northern Ireland's independent powers with regard to her domestic affairs were conferred by devolution. The advantages of devolution are in theory that the labours of the central legislature are lightened, and the local region is given the chance of pursuing policies appropriate to the peculiarities of local conditions.

## D'EWES, SIR SIMONDS (1602-1650)

The compiler of a work entitled *Journals of all the Parliaments during the Reign of Queen Elizabeth*, published in 1682. These journals constitute a valuable record of the proceedings of the Elizabethan Parliaments, and are one of the sources from which Cobbett and Wright compiled the *Parliamentary History* (q.v.). D'Ewes was also the author of a manuscript diary which is regarded as the best authority for the proceedings of the Long Parliament (q.v.) during its early years.

D'Ewes was knighted in 1626 and became Member of Parliament for the borough of Sudbury in 1640. The following year he was made a baronet, but the baronetcy became extinct in 1731. He was one of the members excluded from the House of Commons by Pride's Purge (q.v.) in 1648.

## DILATORY MOTION

A motion which is intended to have a postponing or indefinitely delaying effect on a debate. If it is moved and carried 'That this House do now adjourn', or in committee 'That the Chairman do leave the Chair', the subject under discussion is shelved. If it is moved 'That the debate be now adjourned' or 'That the Chairman do report progress and ask leave to sit again', the debate is postponed. A dilatory motion is a superseding motion because if it is accepted by the Speaker he proposes the motion as a new question, which supersedes the original question and must be disposed of before the debate on the original question can be resumed. The adjournment can also be moved at the commencement of Public Business or between Orders of the Day by the Government and the motion then becomes almost a substantive one, especially if moved by a member with the object of affording an opportunity to criticize the Government. Dilatory motions cannot be amended, and lapse at the moment of interruption of business at the end of the day without question put. By virtue of a Standing Order the Speaker (or Chairman) has power to put the question forthwith on a dilatory motion, or he may decline to propose the question to the House if he considers the acceptance of the motion would be an abuse of the rules of the House.

## DISORDER IN THE HOUSE

A member who flouts the authority of the Speaker, or otherwise seriously offends against the rules of conduct and good order during a debate, may be directed by the Speaker to withdraw from the House. If the member refuses, or the Speaker considers the offence sufficiently heinous, the Speaker may 'name' him (see 'NAMING' A MEMBER). In the case of general disorder in the House, the Speaker may suspend the sitting, although he very rarely has to resort to this

## Disqualification from Membership of Parliament

method of restoring order. The last occasion was on 1 November 1956.

In the House of Lords the Speaker is not invested with any disciplinary powers and the maintenance of order is the responsibility of the House itself. Any member has the right to call another member to order or to move that the Standing Order relating to asperity of speech be read by the Clerk, the last occasion on which such a motion was moved being 2 May 1950.

### **DISQUALIFICATION FROM MEMBERSHIP OF PARLIAMENT**

In the House of Lords, aliens who are not naturalized, peers under the age of twenty-one, bankrupts, persons convicted of treason or felony, and women are disqualified from sitting and voting. Expulsion by sentence of the House, acting in its judicial capacity, may create a permanent disqualification, unless overruled by the exercise by the Crown of the prerogative of pardon. A resolution by the Lords as a legislative body could not, however, exclude a member permanently.

In the House of Commons, certain persons are disqualified from membership by some incapacity which Anson describes as 'inherent, as in the case of an infant or lunatic, or acquired by profession or office, or incurred by felony, bankruptcy or corruption'. The disqualification of women was removed by the Parliament (Qualification of Women) Act, 1918.

The main disqualifications still in force are:

*Peerage.* English peers are disqualified from membership of the House of Commons, also Scottish peers, whether representative or not; but an Irish peer is not disqualified unless he is one of the Representative Peers (q.v.).

*Clergy.* Clergy of the English Church and Ministers of the Church of Scotland are disqualified from membership by the House of Commons (Clergy Disqualification) Act, 1801, and Roman Catholic priests by the Roman Catholic Relief Act, 1829. Clergy of the Church of Wales, since the Welsh Church Act, 1914, are no longer disqualified.

*Minors.* The old Common Law disqualification of persons under twenty-one was made statutory by an Act of 1695-6, and applied to Scotland by the Act of Union.

*Aliens.* Under the Nationality and Status of Aliens Act, 1914, the old political incapacity of an alien is continued, but he can acquire political capacity (and the right to sit in Parliament) by naturalization.

*Lunacy.* Under the Lunacy (Vacating of Seats) Act, 1886, the Speaker receives notice of the committal of a member as a lunatic. He must then obtain a report from the Commissioners of the Board of Control at once, and a second report after six months. If lunacy then still continues, the two reports are laid before the House and the seat becomes vacated.

*Bankruptcy.* Under the Bankruptcy Act, 1914, the disqualification

comes into effect after six months from the date of adjudication, and continues in force unless removed by annulment of the adjudication or by a grant of discharge accompanied by a certificate that the bankruptcy was not due to misconduct.

*Felony.* Under the Forfeiture Act, 1870, the disqualification of a convicted felon was made statutory. It ceases when the offender has suffered the punishment to which he has been sentenced or has received a free pardon.

*Corrupt Practices.* Under the Corrupt and Illegal Practices Act, 1883, (1) a candidate personally guilty of corrupt practices is permanently disqualified from sitting for the constituency in which the offence was committed, and disqualified for seven years from representing any other; (2) a candidate, guilty through his agent of corrupt practices, is disqualified for seven years from sitting for the constituency in which the offence was committed (the same disqualification applies to a candidate personally guilty of illegal practices); (3) illegal practices by an agent disqualify a candidate from representing the particular constituency during the Parliament for which the election was held; and (4) persons, not candidates, guilty of corrupt practices are disqualified for any constituency for seven years.

*Government Contractors.* This disqualification was created by the House of Commons (Disqualification) Act, 1782, and was extended to Ireland by a similarly entitled Act of 1801. The disqualification applies for so long as the contract is held. Reference should be made to the Act for a full definition of a government contractor.

*Pension Holders.* Certain pensions from the Crown, but not Civil Service or diplomatic pensions, disqualify the recipients under the Crown Pensions Disqualification Act, 1915.

*Offices of Profit under the Crown.* Sheriffs, judges, Civil Servants, and other holders of offices of profit under the Crown are barred from membership of the House of Commons. The principle of the exclusion of what subsequently became the Civil Service was established by the Succession to the Crown Act, 1707, which also excluded colonial Governors from membership. Ministers of the Crown are, however, exempted from this prohibition. Disqualifying offices are listed in the House of Commons Disqualification Act, 1957.

## DISQUALIFICATION OF VOTERS

*See FRANCHISE.*

## DISSOLUTION OF PARLIAMENT

Parliament is dissolved by exercise of the Royal Prerogative (q.v.) and by means of a Royal Proclamation issued with the advice of the Privy Council. The Septennial Act of 1715 fixed the duration of Parliament at seven years. It was amended by the Parliament Act, 1911,

## Diurnal Occurrences of Parliament

which fixed the life of a Parliament at its present length of five years. The Parliaments sitting during the wars which began in 1914 and 1939 were prolonged beyond the statutory period, but in other cases Parliament has always been dissolved before the expiration of that period. If Parliament is sitting when dissolution is contemplated it is usually first prorogued and immediately afterwards dissolved. But if dissolution is decided on during the recess, as in 1900 and 1905, a considerable interval may elapse between prorogation and dissolution. Parliament was dissolved in person by Charles II in 1681 and by the Prince Regent in 1818, but since then it has been dissolved by proclamation, and the same proclamation which dissolves one Parliament calls another. The Demise of the Crown (q.v.) does not automatically dissolve Parliament.

The prerogative of dissolution gives rise to many difficult and intricate questions and has produced a number of constitutional crises in Great Britain and the Commonwealth which are dealt with in Forsey's *Royal Power of Dissolution of Parliament*. The right of the Crown to dissolve Parliament is unquestionable, but William III, in 1701, was the last Sovereign to dissolve Parliament on his own responsibility. Since then, however, there have been cases of refusal by the Crown to grant dissolution in certain circumstances. In 1858 Lord Derby, when threatened with a vote of censure in the House, asked the Queen's leave to say that if the vote was carried Parliament would be dissolved, but she refused permission for this threat to be uttered.

The prerogative is now one which is exercised by the Sovereign on the advice and at the request of ministers. The request may be made for various reasons; a dissolution may be rightly demanded whenever there is reason to suppose that the House of Commons has ceased to represent the opinion of the majority of the country, or when a minister is defeated in the House on a measure which he believes will be acceptable to the country. If a Prime Minister who still has a majority in the House resigns after a casual defeat or for some other reason, his successor can only take office on the understanding that Parliament will be dissolved at the earliest opportunity so as to afford the country an opportunity of expressing its opinion on the new ministry.

## DIURNAL OCCURRENCES OF PARLIAMENT

The first regular report of parliamentary debates, compiled in the form of a narrative. They were published by order of Parliament and were started in 1641, continuing until 1660.

## DIVINE RIGHT OF KINGS

The doctrine which held that a King derived his authority direct from God and was therefore invested with an absolute power to override all other authorities. This principle of government formed the great

political issue of the 17th century. Divine Right was claimed by Louis XIV in France ('*L'état, c'est moi*'), and by the Stuart Kings in England, where it became the primary factor in the struggle for supremacy between Parliament and the Sovereign. James I came to the throne with this concept of kingship as his guiding principle. Charles I, who through his background and upbringing had inherited his father's political convictions, continued to govern according to the same doctrine, and was very soon at variance with the House of Commons, which had emerged since the death of Elizabeth as a popular force, conscious of its growing power and effectiveness. Against the royal assertion of Divine Right, the Commons set their claim that a Sovereign's right to rule rests upon the consent of the governed. They further insisted that their hard-won privileges were a sacred right which no power, royal or otherwise, could alienate, whereas the King maintained that they were enjoyed by reason of his grace alone and were subject, like everything else, to the final and unchallengeable authority of his prerogative. In a dispute of such magnitude the unyielding attitude of both sides could lead only to conflict. The Civil War followed with its disastrous results for the monarchy, the King himself suffering the death of a traitor.

The monarchy was restored in 1660, the country having found itself unable to adapt itself to republican institutions, yet the concept of Divine Right had still not perished. The Anglican Church, which looked to the Crown for protection, was a staunch upholder of the doctrine, but with the accession to the throne of the Roman Catholic James II, the established Church found this same weapon being turned against itself. James was a typical Stuart, and his arbitrary principles of government soon led him into committing the same follies as his father, Charles I. For the second time in forty years England deposed its King, this time with less violence than on the former occasion. With the Revolution of 1688, which overthrew the Stuart dynasty and sent James II into exile, the doctrine of Divine Right suffered a mortal blow as a political creed of any consequence. Amongst English political theorists who have sought to justify this concept of government, Hobbes and Filmer are the most outstanding. (The standard work on this subject is *The Divine Right of Kings*, by J. N. Figgis (Cambridge University Press), 2nd ed., 1914.)

## DIVISION LISTS

Lists of members voting in a division, the 'Ayes' and the 'Noes' (or in the House of Lords the 'Contents' and the 'Not contents') being listed separately. Division lists for both Houses are printed in Hansard (q.v.), and with the daily Votes and Proceedings (q.v.).

Dasent records that the earliest instance known to him of the publication of a division list was when the names of the members who

## Division, Point of Order during a

voted against Strafford's attainder in May 1641 were posted up outside Westminster Hall and headed: 'These are the Straffordians, Betrayers of their Country.' The Parliamentary History (q.v.) records the more important divisions of the 18th century, although it was not until 1836 that the House of Commons officially published its own division lists, a reform which had been advocated by Edmund Burke in 1770.

## DIVISION, POINT OF ORDER DURING A

A member wishing to raise a point of order after a division has been called must address the Chair seated and covered. Women members are not required to be covered. This is the only occasion on which a member, other than a woman member, is permitted to address the Chair wearing a hat.

The custom is an ancient one which originated as a means of attracting the attention of the Speaker or Chairman while other members were moving into the division lobbies. For the particular benefit of members who are not provided with hats, a special hat is kept in the Chamber for the use of anyone wishing to raise a point of order during a division. Many varieties of headgear have been utilized on various occasions. A policeman's helmet has been known to serve the purpose, and obliging women members have loaned their hats on a number of occasions. At such times the hat is hurriedly passed from hand to hand until it reaches the member desiring to raise the point of order. Rulings from the Chair have established that a proper head covering is essential, and members who, in the urgency of the moment, have resorted to the use of handkerchiefs and order papers have been ruled out of order.

## DIVISIONS

In both Houses of Parliament all questions are decided by a vote, a simple majority being required to affirm or negative a question. Sometimes a vote is carried to a division, which is a physical separation into two lobbies of those members wishing to vote for and those wishing to vote against a question. The procedure on divisions varies slightly in the two Houses, and the description which follows relates to the Commons, the points on which the Lords' procedure differs being noted below.

The Speaker, or in Committee of the Whole House the Chairman of Ways and Means, states the question before the House at the conclusion of the debate upon it, and says, 'As many as are of that opinion say "Aye"' and 'As many as are of the contrary opinion say "No"'. Judging by the strength of each separate chorus of 'Ayes' and 'Noes' he then says tentatively, 'I think the "Ayes" (or the "Noes") have it.' This opinion may be accepted by the House, in which case, after a pause, the Speaker or Chairman says definitely, 'The "Ayes" (or the "Noes") have it', and the question is decided. If, however, the opinion



of the Chair is challenged by continuing cries of 'Aye' or 'No', as the case may be, the order, 'Clear the lobby', is given from the Chair, thus indicating that a division has been called. Immediately the exit doors of the Division Lobbies are locked, bells are rung throughout the building to acquaint members who are not in the Chamber that a division is in progress, and the policemen on duty call 'Division' through the corridors. After two minutes the Speaker or Chairman again puts the question, and it sometimes occurs that his opinion is accepted the second time and the division is called off. Usually, however, it is decided to continue with the division, although at this point the occupant of the Chair has a discretionary power which he can exercise if he considers that a division has been unnecessarily claimed. In adopting this procedure he calls upon the 'Ayes' and the 'Noes' to rise successively, and announces the result of the voting without further delay. This power is seldom used and exists only to counter irresponsible action. In proceeding with the division, the Chair appoints two tellers (usually Whips) from each side who take up their positions at the exits from the lobbies, an 'Aye' teller and a 'No' teller working together to check each other's counting. If two tellers are not forthcoming for one side no division can take place. The 'Ayes' and the 'Noes' are directed into their respective lobbies, which run parallel to and are entered from the Chamber, the 'Aye' lobby being to the right and the 'No' lobby to the left of the Chair. The exit doors are unlocked and the members, having given their names to the clerks stationed in the lobbies, file out and are counted by the tellers. Members who are prevented by infirmity from passing through the lobbies are counted in the House. After six minutes from the giving of the order, 'Clear the lobby', the order 'Lock the doors', is given, and the entrances to the lobbies are then locked and remain so until the result of the division is announced. When all the members taking part in the division have passed through the lobbies and the tellers have satisfied themselves that no one has been left uncounted, the respective figures are stated to a Clerk-at-the-Table, who enters them upon a division slip and hands it to the senior teller for the majority. The senior and junior tellers for the majority and the senior and junior tellers for the minority, in that order from right to left, then form up facing the Chair. They bow, advance a step forward together, and the senior teller for the majority reads out the figures. They bow once more and return to their seats, and the Speaker or Chairman then announces the result of the division himself.

Divisions consume an appreciable amount of parliamentary time; the average division lasts about ten minutes all told and when, as sometimes happens, a number of divisions take place during the course of a single sitting, the amount of time lost can be reckoned in hours. During the sitting of 20-21 March 1907, 43 divisions took place, the largest number ever to have occurred at one sitting.

## Divisions

The first division to be recorded in the Journal of the House of Commons took place on 23 March 1553/4. The largest division on record occurred on 11 August 1892, when the House voted by 350 to 310 in favour of Asquith's amendment to the address, expressing lack of confidence in the Government. The Budget of 1909 earned the distinction of surviving 549 divisions in the House of Commons, the largest number that any one issue has ever had to face. There have been a number of close divisions in which a majority of one has been recorded. On 22 March 1831 the second reading of the Reform Bill was carried by 302 votes to 301; on 4 June 1841 a vote of no confidence in the Government was carried by 312 votes to 311; and, more recently, on 27 July 1950, Sir Winston Churchill's motion that the House should go into secret session was rejected by 296 votes to 295.

Strangers are allowed to be present in the galleries during divisions but they are cleared from the Members' Lobby, a practice which survives from the days when persons liable to be affected by the result of a division had the habit of obstructing members on their way to vote.

The division lists record the names of the members taking part in a division and the manner of voting, and they constitute an official record which is reproduced in Hansard. A member's voting record is thus open to scrutiny.

Prior to 1906 the doors of the Chamber were locked after two minutes had elapsed from the calling of the division, and all members present were compelled to vote. Under the present practice the doors of the Chamber are left unlocked and members wishing to abstain from voting are not required to leave the Chamber. A member who was not present in the Chamber when the question was put is entitled to vote in a division.

In the House of Lords, the 'Ayes' and 'Noes' in a division are known as the 'Contents' and the 'Not contents'. Unlike the occupant of the Chair in the House of Commons, who has only a casting vote in the event of an equality of votes, the Lord Chancellor or Lord Chairman has a normal vote which is taken in the House and not in the Division Lobby. The tellers include themselves in the totals, whereas in the Commons they are excluded. In the event of an equality of votes the decision is awarded to the 'Not contents'. When a division is called the order is given to 'Clear the Bar'. The doors are locked after three minutes from the giving of the order, or after such shorter time as the tellers may agree upon, and after the question has been put the second time the Lords taking part in the division enter the two lobbies. Peers who wish to abstain from voting may go within the rails round the Throne, where they are not technically 'within the House'.

The procedure on divisions in other Commonwealth Parliaments is based on that of Westminster, and any minor variations are designed to suit local convenience and the size of the legislature. For instance,

the lapse of time between the calling of the division and the locking of the doors is bound to vary; in some cases members wishing to abstain from voting must leave the Chamber; and in Parliaments where the members are not so numerous as in the House of Commons divisions sometimes take place in the Chamber itself, the members lining up on either side of the Speaker's Chair, and the tellers themselves cross the names from the division lists. The greatest variation from House of Commons procedure is probably to be found in the Canadian Parliament (q.v.)

### DOD'S *PARLIAMENTARY COMPANION*

A work of reference which is published annually and was established in 1832 by Charles Dod. It contains about 650 pages of information, including biographical details of peers and members of the House of Commons, a list of constituencies with details of the most recent General Election and subsequent by-elections, the composition of the Ministry, Royal Household, government and public offices, and the main details of British Parliaments overseas. It is bound in a dark blue cloth and its unusually small format makes it handy for the pocket.

### DOD'S *PEERAGE*

Uniform with Dod's *Parliamentary Companion*, Dod's *Peerage* is also an annual publication and was established in 1839. It contains biographical details of all peers, peeresses in their own right, and widows of peers, a complete list of the family names of all peers and their subordinate titles, and a table of precedence.

### DOMINICA LEGISLATIVE COUNCIL

Formerly belonging to the Leeward Islands, Dominica was transferred to the Windward Islands group on 1 January 1940 and received a new Constitution on 29 September 1951. This provides for universal adult suffrage and a reformed Legislative Council with a majority of elected members—the Administrator as President, 2 *ex-officio*, 3 nominated, and 8 elected members. The Governor has reserved powers under the new Constitution and also the right to address the Council when he thinks fit. The life of each Council is limited to a maximum of three years. The Administrator (as representative of the Governor of the Windward Islands) is assisted by an Executive Council consisting of 2 *ex-officio* members, 4 elected members of the Legislative Council chosen by that body, and a nominated member of the Legislative Council appointed by the Governor. The elected members were increased from 3 to 4 in March 1956, and the Executive Council has now become the principal instrument of policy with a majority of elected members, 3 of whom have been appointed ministers.

Dominica has accepted the plan for a Federation of the British.

## **Dominion Status**

Caribbean Colonies, and it is intended that elections for the first federal legislature of the West Indies will be held early in 1958.

## **DOMINION STATUS**

Lloyd George in the House of Commons in 1924 said it was difficult and dangerous to give a definition of 'Dominion status'. It was something that has never been defined by an Act of Parliament, and yet it works perfectly. However, there are three characteristics of the ideal Dominion, enumerated by the Imperial Conference of 1926, which help towards a definition of the term 'Dominion status'. First, a Dominion is a territorial community, other than Great Britain, which owes allegiance to the Queen in common with Great Britain; second, is equal in status with Great Britain and is in no way subordinate to her in any aspect of its domestic or external affairs; and third, is freely associated with Great Britain as a member of the British Commonwealth of Nations. The second is the vital characteristic, and it was to clarify the position in regard to this that, as a result of the Imperial Conference of 1930, the Statute of Westminster (q.v.) was passed by the Imperial Parliament in 1931 and subsequently adopted by the other members of the British Commonwealth.

## **DOMINIONS SECRETARY**

*See* COMMONWEALTH RELATIONS SECRETARY.

## **DRAFTSMEN**

The lawyers responsible for the drafting of Bills. The office responsible for the drafting of Government Bills is that of the Parliamentary Counsel (q.v.) to the Treasury. Private members must arrange for the drafting of their own Bills, although they usually receive assistance from this office. Once it has been decided to introduce certain legislation, the Treasury instructs Parliamentary Counsel to draft a Bill on the lines stated. It is usually necessary for the Parliamentary Counsel to consult the minister or his delegate for more specific instructions. The first draft may be fairly rough in form, and very often several drafts have to be prepared before agreement is reached. In the case of a very complicated piece of legislation it is often necessary to prepare an Explanatory Memorandum (q.v.) and several months are sometimes required for the drafting of such a Bill. Draftsmen usually work in pairs, a senior and a junior draftsman working together. Only very small Bills are undertaken by the juniors without assistance. Even when the Bill has been introduced and is under the control of Parliament the draftsmen remain responsible for the language, and their responsibility extends to the drafting of any amendments, which may be accepted by the House, and of consequential amendments.

Early legislation was drafted by judges, but by the end of the 18th century drafting was being undertaken by lawyers.

## DRUNKEN PARLIAMENT

The Scottish Parliament which met at Glasgow on 1 October 1662, so called because there was only one sober man present at the first day's sitting. This Parliament lasted only eight days, the first of which was taken up in constituting the House and choosing the Lords of the Articles. The Lords of the Articles then consumed nearly all the remaining time in preparing the Acts to be passed, which included several oppressive religious statutes. Parliament had its second and last meeting on the eighth day, when all the Acts were read, debated, voted, and passed.

## DUKE

The highest title in the British peerage, and first introduced into it by Edward III, who created his son, the Black Prince, Duke of Cornwall, with remainder to his heirs, being the eldest sons of the Kings of England, by which charter the eldest son of the Sovereign becomes from birth or the accession of his parent, Duke of Cornwall. Otto the Great, Emperor of the Germans, is supposed to be the first to have constituted the title about A.D. 970, and it became hereditary in France and other parts of the Continent long before it was adopted in England. It is possible that one reason why it was not adopted in England earlier was because the Norman Kings were reluctant, as Dukes of Normandy themselves, to grant their subjects a title which resembled their own. In the reign of Queen Elizabeth I the whole ducal order became extinct or in abeyance, but it was revived by James I, who created his son Henry Duke of Cornwall. A duke is styled 'His Grace' and the 'Most Noble', and is officially addressed by the Sovereign as 'Our right trusty and right entirely beloved Cousin'. The mantle of a duke is the same as a baron's, but has four rows of ermine on the cape. This coronet is a circle of gold, surmounted by eight strawberry leaves. There are now (1957) 21 dukes in addition to the 4 Royal Dukes.

## DUMMY BILL

The document which is handed by a member to the Clerk of the House when introducing a Bill. It contains merely the title of the Bill and the names, which may not exceed twelve, of the members presenting and supporting it. Dummies are sometimes used to represent other documents which are presented to the House.

## DURATION OF PARLIAMENT

Until 1694 the King could keep a Parliament in existence as long as he pleased, and Charles II retained for seventeen years the Parliament

## Durham Report

called at his accession. Events showed that a House of Commons, if it was kept in being for so long a time after its election, might cease to represent the people, and that if the House depended wholly on the Crown for the continuance of its existence it might be too ready to favour the policy of the Court. For this and other reasons, the Bill for Triennial Parliaments was passed in 1693 by both Houses, but William III withheld his consent until the Bill came before him in the following year, when it became law. By the end of the reign of Queen Anne, it was becoming apparent that with the unsettled state of the country a more stable House of Commons was desirable, and in 1715 the Septennial Act was passed which extended the life of a Parliament to a maximum of seven years. This period was again shortened by the Parliament Act of 1911, and now Parliament, if not sooner dissolved by the exercise of the Royal Prerogative, expires by the efflux of time at the end of five years.

## DURHAM REPORT

Following the insurrection of the French Canadians, the Legislative Assembly of Lower Canada was suspended in 1838 by a British Act, and provisions were made for the temporary government of the Province by a special council. The Earl of Durham was appointed High Commissioner in March 1838 and Governor-General of the British Provinces in North America, with the fullest powers to achieve a settlement of Canada's legislative problems. He was not supported in his actions by the British Government and resigned six months later. In 1839, after his return to England, Durham produced his famous 'Report on the Affairs of British North America', wherein he enunciated the principles of responsible government. The successful application of his ideas to Canada was followed later by their application to Australia, New Zealand, and South Africa, so that Lord Durham may truly be described as the principal founder of the British Commonwealth of Nations. The best edition of the Durham Report was published by the Clarendon Press in 1912 and edited by Sir C. P. Lucas, and a useful abridged version by Sir R. Coupland was issued by the same publishers in 1945

# E

## EARL

The grade above a viscount in the English peerage. This is the only title which is derived from an English word—the Old English *eorl*. In Saxon times England was administered by several great earldoms, but as William the Conqueror considered them a threat to his authority they were split up among his followers. The great Palatine Earldoms of Chester and Shrewsbury and the Palatine of Durham, which was ruled by the Prince Bishop, were allowed to remain as a bulwark against the Welsh and the Scots. Under the Norman and later kings the earl became the ruler of a county, and the dignity in process of time became hereditary. The first known instance of such a creation was that of Geoffrey de Mandeville as Earl of Essex by King Stephen 'with inheritance of the title of heirs'. The Earldom of March, created in 1328, had no territorial connexion, and the precedent was set for the modern creations which are often attached merely to the family name of the nobleman concerned. The style of an earl is 'Right Honourable' and he is officially addressed by the Sovereign as 'Our right trusty and right well-beloved Cousin'. The mantle of an earl is the same as a baron's except that it has three rows of ermine on the cape. The coronet is a circle of silver gilt, surmounted by eight silver balls raised upon points, with gold strawberry leaves between the points. There are at present (1957) 133 earls.

## EAST AFRICA HIGH COMMISSION

Before the end of the last war, inter-territorial collaboration between Kenya, Uganda, and Tanganyika had led to an organization which was in effect a form of central administration, but the Governors' Conference, on which this administration was based, had no juridical or constitutional foundations and no forum for public discussion and debate. This was remedied by the East Africa (High Commission) Order in Council, 1947, and a High Commission and a Central Legislative Assembly were established with effect from 1 January 1948. The three Governors form the High Commission, which has the powers of territorial administration in respect of the common services which the territories have agreed it should administer. These High Commission Services include railways and harbours, customs, posts

## **Ecclesiastical Commissioners**

and telecommunications, civil aviation, income tax, and various research organizations.

The Legislative Assembly, which is presided over by a Speaker appointed by the High Commission, has the following membership: 7 *ex-officio* members, 6 nominated official members, and 20 unofficial members. Of the unofficial members, 9 are selected by the three Governors (3 for each territory) and 3 are appointed from each Legislative Council from amongst their unofficial members. The other 2 unofficials are Arab members appointed by the High Commission.

The Assembly's initial life was for four years, but this was extended for a further period at the end of 1951 and 1955. It sits for the present in the Nairobi Council Chambers but meetings are also held in Uganda and Tanganyika.

## **ECCLESIASTICAL COMMISSIONERS**

*See* CHURCH COMMISSIONERS.

## **ECCLESIASTICAL COMMITTEE**

As laid down by the Church of England Assembly (Powers) Act, 1919, the Ecclesiastical Committee shall consist of 15 Members of the House of Lords, nominated by the Lord Chancellor, and 15 Members of the House of Commons, nominated by the Speaker. The quorum is 12. The function of the committee is to examine every Measure passed by the Church Assembly and to draft a report to Parliament on its nature, effect, and expediency. A Measure may relate to any matter concerning the Church of England and may extend to the amendment or repeal in whole or in part of any Act of Parliament. The report of the committee must be communicated in draft to the Legislative Committee of the Church Assembly, and if this committee so desires, the report and Measure are laid before both Houses of Parliament, and on a resolution being passed in each House the Measure is presented to Her Majesty the Queen for the Royal Assent in the same manner as an Act of Parliament. The Ecclesiastical Committee can meet even though Parliament is not sitting.

*See also* CHURCH ASSEMBLY MEASURES.

## **ECONOMIC AFFAIRS, MINISTER FOR**

In September 1947 Sir Stafford Cripps was appointed Minister for Economic Affairs with a staff but with no department. When Hugh Dalton resigned in November 1947, Sir Stafford Cripps became Chancellor of the Exchequer (q.v.) while continuing to be responsible for the co-ordination of economic affairs. This development, together with the establishment of an Economic Secretary to the Treasury (q.v.), marked a new conception of Treasury control over the national economy. The office of Minister of State for Economic Affairs lapsed



on the appointment of Hugh Gaitskell, Sir Stafford Cripps's successor in that office, to succeed him as Chancellor of the Exchequer, but Sir Arthur Salter (afterwards Lord Salter) was appointed Minister of State for Economic Affairs when the Conservative Government took office in 1951. The office lapsed at the end of 1952, when an Economic Secretary was again appointed to the Treasury.

### ECONOMIC SECRETARY TO THE TREASURY

First appointed at the end of 1947, the duties of the Economic Secretary were described by the Prime Minister (Mr. Attlee) as being to assist the Chancellor of the Exchequer on questions of general economic and financial policy and planning. In July 1957 the Economic Secretary was raised to the status of a Minister of State and his salary, formerly £2,000, increased to £3,750.

*See also* ECONOMIC AFFAIRS, MINISTER FOR.

### ECONOMIC WARFARE, MINISTER OF

The first Minister (R. H. Cross) was appointed at the beginning of the war in 1939, with similar responsibilities to those of the Minister of Blockade in the First World War—the prevention as far as possible of supplies of food and war materials reaching the enemy through neutral countries. Hugh Dalton followed Mr. Cross as Minister and then the Earl of Selborne, who held the office until it was abolished in 1945.

### EDUCATION, MINISTER OF

Schools in Great Britain during the first half of the 19th century were still private, and most of them were run by religious and other charitable bodies. The Government was beginning to realize the need for some assistance from public funds, and from 1833 small grants began to be made towards education. An Education Committee of the Privy Council was appointed in 1839, and provision was made by a statute of 1856 for its Vice-President to sit in Parliament. The Education Act of 1870 made education compulsory and gave local authorities power to spend money on elementary education. The Board of Education Act of 1899 displaced the Education Committee of the Privy Council by a new Department called the Board of Education, which in theory consisted of a President, the Lord President of the Council, the Secretaries of State, the First Lord of the Treasury, and the Chancellor of the Exchequer. In fact this board never met, and the work was done by the President (a Cabinet Minister) and a Parliamentary Secretary, aided by a Consultative Committee and a permanent staff. By the Education Act of 1944, the name of the Department was changed to the Ministry of Education, and the President of the Board

### Edward F (1289-1807)

became the Minister of Education. This Act gives the Minister greater powers over local authorities, whose educational functions it greatly extended, and it states that it is the Minister's duty 'to promote the education of the people of England and Wales . . . and to secure the effective execution by local authorities, under his control and direction, of the National policy for providing a varied and comprehensive educational service in every area'. In this he is assisted by a Central Advisory Council for England and one for Wales and Monmouthshire. He is a Cabinet Minister with a salary of £5,000. His Parliamentary Secretary receives £2,500. Both are entitled to an additional £750 if they sit in the House of Commons.

A chronological list of the holders of this office appears as Appendix 15.

### EDWARD I (1289-1807)

Eldest son of Henry III, succeeded his father as King of England on 16 November 1272, the first King to begin his reign from the very moment of the death of his predecessor. His reign is of supreme importance in parliamentary history for it was at this period that Parliament assumed the fundamental features which it has always retained. The Model Parliament (q.v.) of 1295 was the first fully representative assembly ever summoned by an English King.

*See also* PARLIAMENT.

### EDWARD II (1284-1827)

Fourth son of Edward I by his first wife, Eleanor of Castile, succeeded his father on 7 July 1307. A weak monarch, very much a tool in the hands of worthless favourites, Edward II was deposed by Parliament (q.v.) on 20 January 1327, and brutally murdered at Berkeley Castle later in the same year.

### EDWARD III (1312-1877)

Eldest son of Edward II, succeeded to the Throne of England while still a child on the deposition of his father in January 1327, his coronation taking place on the 29th. His reign was one of great constitutional importance and of frequent Parliaments. The powers of Parliament developed substantially during these years, and to this period can be traced the division of the estates into two Houses and the establishment of a number of parliamentary practices.

*See also* PARLIAMENT.

### EDWARD IV (1442-1488)

Son of Richard, Duke of York, and descendant of Edward III, seized the throne from Henry VI and was crowned on 28 June 1461.

**EDWARD V (1470–1488)**

Eldest son of Edward IV, succeeded to the throne on his father's death on 9 April 1483. His reign lasted only a matter of weeks and he was never crowned. He was murdered in the Tower together with his younger brother, probably in August, and supposedly at the instance of his uncle, the Duke of Gloucester, who assumed the crown as Richard III on 26 June.

**EDWARD VI (1547–1553)**

Son of Henry VIII and Jane Seymour, succeeded his father on the latter's death on 21 January 1547. During the first part of Edward's short reign the government of the country was in the hands of the Duke of Somerset, the Lord Protector. Somerset was overthrown in 1551 by the Duke of Northumberland, who, on the young King's death, made a vain attempt to secure the succession for Lady Jane Dudley, his daughter-in-law.

**ELECTION PETITIONS**

A person wishing to challenge the result of an election must do so by means of an election petition. If the constituency affected is in England or Wales the petition should be presented to the High Court in the Queen's Bench Division, if in Scotland to the Court of Session, and if in Northern Ireland to the High Court of Northern Ireland in the Queen's Bench Division. An election petition is tried by two judges sitting in open court without a jury and the case must normally be heard within the constituency concerned.

A petitioner must be an elector or a candidate in the election. A prescribed form must be observed in the drawing up of an election petition and the facts and grounds of the complaint must be fully stated.

*See also* ELECTIONS.

**ELECTIONS**

In the United Kingdom a dissolution of Parliament is always followed by a General Election. Parliament is dissolved when it has run its statutory course of five years' duration or, alternatively, before the expiry of this period should the Crown, on the advice of the Prime Minister, deem it advisable. The purpose of a General Election is to return representatives to sit in the lower House of Parliament. The political party securing the return of the largest number of representatives is entitled to form a Government. In order to fill a vacancy occurring during the lifetime of a Parliament, due to the death, retirement, or expulsion of a sitting member, a by-election is held in the area concerned. When Parliament is dissolved the Lord

## Elections

Chancellor is ordered by Royal Proclamation to issue writs for the holding of fresh elections throughout the country. The writs are issued from the office of the Clerk of the Crown in Chancery. In the case of a by-election the writ is issued on the warrant of the Speaker of the House of Commons to the Clerk of the Crown. Writs are issued as soon as practicable after the Royal Proclamation dissolving the old and summoning a new Parliament, or after the issue of the Speaker's warrant, as the case may be.

For the purposes of parliamentary elections the country is divided into a number of electoral divisions known as constituencies (q.v.). There are at present 630 constituencies in the United Kingdom, each returning a single member who is elected on a simple majority. A Registration Officer is appointed to every constituency, his duty being to compile the annual register of voters within his area. Provisional lists are displayed at post offices, public libraries, and other public offices from 28 November to 16 December each year. All claims and objections are decided by the Registration Officer, subject to appeal in the county court, and the register must be published in its final form not later than 15 February, coming into force on the 16th. (For details of persons entitled to vote and disqualified from voting *see under the heading* FRANCHISE.) Each constituency also has its own Returning Officer who is responsible for the conduct of an election. In England and Wales the Returning Officer is the sheriff of the county, the mayor of the borough, or the chairman of the urban district council. In Scotland he is the sheriff and in Northern Ireland the under-sheriff.

Electoral procedure is governed largely by the Representation of the People Act, 1949, which consolidated much previous legislation. After the issue of the writs to the Returning Officers, notice of the election must be published in each constituency stating the place and times at which nomination papers must be delivered and the date of the poll. These notices must appear not later than four o'clock in the afternoon of the second day following that on which the writ was received. Each candidate must be nominated with his own consent by ten electors, including a proposer and seconder, on a form specifically issued for the purpose. Most candidates are members of the main political parties contesting the election, but there are invariably a number of independent candidates throughout the country who offer themselves for election without any party backing. A candidate is not obliged to reside in the constituency he proposes to represent. Most qualified electors are also entitled to stand for Parliament. (Exceptions are dealt with under the heading DISQUALIFICATION FROM MEMBERSHIP OF PARLIAMENT.) Every candidate must deposit with the Returning Officer or cause to be deposited on his behalf the sum of £150 on or before nomination day. The deposit is returnable provided the candidate polls at least one-eighth of the total votes cast in the

constituency for which he stands. The forfeiture condition is designed to discourage idle or frivolous contestants. A candidate may withdraw from the contest at any time before the final day for the submission of nominations. His notice of withdrawal must be signed by himself, attested by a witness, and delivered to the Returning Officer. Objections to nominations must be lodged at certain specified times, although not necessarily in writing, with the Returning Officer, who decides on their validity. Only a candidate, his proposer and seconder, and his election agent are entitled to lodge objections. When all objections have been dealt with, or when the time for receiving them has expired, the Returning Officer publishes the names of the candidates nominated together with their proposers and seconders. If only one candidate is nominated he is declared elected and no contest takes place.

In a General Election all polls must be held on the same day. Polling day is always the ninth clear day after nomination day, and polling takes place between the hours of 7 a.m. and 9 p.m. Each constituency is divided into a number of polling districts and the polling station for each district is in charge of a Presiding Officer. Since the passing of the Ballot Act in 1872 secret voting has been a legal requirement, and all Returning Officers, Presiding Officers, poll clerks, candidates and their agents are obliged to make a declaration undertaking to maintain the secrecy of the poll. Before voting commences the Presiding Officer shows the empty ballot boxes to those present at the polling station and then locks and seals them. Each voter entering the polling station must identify himself or herself to the Presiding Officer or poll clerk. If the name is on the register of voters the official calls out the voter's number and other necessary details and marks the register accordingly. The ballot paper is stamped with the official mark, lack of which would render it invalid, the voter's number is entered upon the counterfoil, and the ballot paper is handed to the voter, who takes it to one of the screened booths provided. The names of the candidates are listed on the ballot paper in alphabetical order, without their party labels. All that is required of the voter is to place a simple cross against the name of the candidate of his choice. Any writing or mark other than a cross by which the voter could be identified invalidates the vote. Having marked the paper the voter folds it in order to conceal his vote and places it in the ballot box in the presence of the Presiding Officer. If a ballot paper is spoilt by accident it must be returned to the Presiding Officer, who will issue the voter with a fresh paper provided he is satisfied that the spoiling was inadvertent. The spoilt paper is cancelled but not destroyed, and all such papers must be delivered to the Returning Officer after the close of the poll. A person who is illiterate or incapacitated in such a manner as to prevent him from marking a ballot paper may be assisted in voting by the Presiding Officer. A blind person may alternatively be assisted by a relative or friend."

## Elections

Certain classes of persons are entitled to the special facilities accorded to absent voters and are permitted to record their votes by post or proxy. They include members of the armed forces and (if residing with their husbands overseas) their wives, Crown servants employed overseas and (if residing with them) their wives, and others who are prevented from voting personally by reason of physical incapacity or the nature of their occupations.

No votes may be received after the time for the close of the poll except from voters who were admitted to the polling station before that time. Before their removal from the polling station the ballot boxes are sealed, and the unused ballot papers, the counterfoils of used papers, the marked register of voters, and various other papers concerned in the poll are made up into separate packets in the presence of the candidates' agents and all delivered to the Returning Officer.

The votes must be counted as soon as practicable after the conclusion of the poll at a centre determined by the Returning Officer in each constituency. In addition to the Returning Officer and his counting staff, the candidates are entitled to be present at the count together with their wives or husbands and their agents. After an examination of the seals the ballot boxes are opened and the votes in each box are counted but not sorted. They are then mixed together and distributed amongst the counting staff who, working in pairs, sort the papers out according to the manner of voting. The candidates' agents are entitled to observe the counting. If any doubt should arise over the validity of a paper it is placed aside for the decision of the Returning Officer. A ballot paper may be rendered invalid for a variety of reasons including lack of the official mark, the presence of writing or other marks of identification, or doubt as to the voter's intention. If a close result is declared a candidate may ask for a recount, and it lies within the discretion of the Returning Officer to agree to or refuse the request. Subsequent recounts may also be requested. In the rare event of the two leading candidates polling an equal number of votes lots are drawn to determine the winner. The Returning Officer must publicly declare the result of the poll, and must return the writ, endorsed with the name of the successful candidate, to the Clerk of the Crown.

An election campaign must be conducted within the limits of certain statutory requirements. Under the Corrupt and Illegal Practices Prevention Act, 1883, every candidate must appoint an election agent, who is responsible for the conduct of the candidate's campaign according to the limitations imposed by law. A candidate may act as his own agent if he wishes but he may employ no more than one agent, although he is permitted to utilize the services of as many unpaid volunteers as he wishes for purposes such as canvassing. An election agent may be paid or unpaid and need not necessarily be an elector. No person is eligible to act as an election agent who has been

convicted of corrupt or illegal practices within the last five years. An election agent must be appointed on or before nomination day and his name and address declared in writing to the Returning Officer. All expenses incurred during the course of a campaign must be paid through the election agent. Election expenses are strictly limited by statute and severe penalties are provided for any breach of the law in this respect, including the disqualification of a winning candidate if he is found to have exceeded the permitted maximum expenditure. This maximum consists of a basic £450 throughout the constituencies of the United Kingdom, plus 1½d. for each registered elector in borough constituencies in Great Britain, and 1d. in county constituencies and in all constituencies in Northern Ireland. None but the candidate or his agent may give orders for printing and advertising. All bills must bear the name of the printer and publisher and no payment is permitted for their exhibition. There is no restriction upon the number of meetings a candidate may hold, but they must be conducted with decorum and in such a manner as to cause no obstruction. Electioneering confers upon a candidate no immunity from the laws of libel and slander. A candidate is entitled to send post free to every voter in his constituency one election communication weighing not more than two ounces. A candidate's personal expenses, of which an account must be rendered, must not exceed £100. There is no limit to the fee which may be paid to an election agent in Great Britain as long as it is covered by the candidate's total permitted expenditure. In Northern Ireland, however, the agent's fee may be additional to a candidate's other election expenses, but it must not exceed £75 in a county constituency and £50 in a borough constituency. After an election an agent is required to render a return of all expenses.

During an election campaign the B.B.C. allows the main parties a certain amount of time on both its sound and television services for political broadcasts. The allocation of the time allotted is agreed upon between the leaders of the parties and is roughly in proportion to the respective strength of each party and the number of candidates which each has entered in the contest. It is usual for the two leading parties to have an equal allocation of time. Broadcasts run to twenty and thirty minutes for the major parties and to ten and twenty minutes for other parties with a reasonably substantial following. Any minor party with 50 or more candidates in the field is allotted one broadcast of ten minutes' duration.

Elections to-day are conducted with a fairness, honesty, and integrity which few would question. Every precaution which legislation can enforce is taken to keep an election free from corrupt practices such as bribery, personation, the intimidation of voters, and the exerting of undue influences. Such offences, together with others involving breaches of electoral law known as illegal practices, will render an

## Electoral Colleges

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election void if committed by, or with the knowledge and consent of, the candidate or his agent. They also render the offender liable to criminal prosecution and heavy penalties if convicted. The extreme rarity of such cases is a testament to the clean spirit of candidates and voters alike, and to the high standards of those responsible for the conduct of elections. The electoral system we enjoy to-day is of comparatively recent origin and coincident with the advent of parliamentary reform. Prior to the Reform Act of 1832 none of those safeguards existed which to-day ensure free and honest elections and popular representation. The most outrageous corruption was openly practised and tolerated. Bribery, intimidation, and coercion together with such devices as patronage, 'pocket' boroughs, and faggot voting all combined to produce a system as farcical as it was rotten. Yet in spite of its base foundations the House of Commons of the pre-reform era remained on the whole a creditable body, and although it could not claim to be honestly representative of the people its members were not unmindful of the popular liberties they were elected to uphold.

Election procedure throughout the Commonwealth follows a similar pattern. A unique feature of a General Election in the United Kingdom is the election by their fellow peers of the Representative Peers (q.v.) for Scotland. This takes place upon the issue of a Royal Proclamation accompanying that which dissolves the old and calls a new Parliament.

(Further reading: Butler, *The electoral system in Britain, 1918-51*, 1953; Ross, *Elections and electors*, 1955; Schofield, *Parliamentary elections*, 1955.)

## ELECTORAL COLLEGES

Electors usually choose their representatives in a legislature by actually voting for them, but there are indirect elections, held usually for an upper House, where the electors choose or appoint an intermediary body to choose the representatives. This body is known as an electoral college; e.g., the Council of States, the Indian upper House, is elected by such a body composed of the elected members of the legislatures of the States forming the Union. In South Africa, Senators are elected by electoral colleges composed of the members of the House of Assembly for each province sitting together with the members of each respective Provincial Council. The President of the United States is elected by an electoral college the members of which are elected by the people.

## ELECTORAL QUOTA

The Second Schedule to the House of Commons (Redistribution of Seats) Act, 1949, gives Rules for the Redistribution of Seats and lays down that the electorate of any constituency shall be as near the



## Elizabeth I (1533-1603) and Parliament

electoral quota as is practicable. The electoral quota is defined as being a number obtained by dividing the electorate of Great Britain by the number of constituencies, and is at present roughly 60,000. It was 55,670 in 1953.

### ELECTORAL REGISTER

A list of persons qualified to vote at elections. In the United Kingdom it is the principal duty of the Registration Officer to prepare the register for each constituency for which he acts and to publish it not later than 15 February every year. The expense of compiling the register is shared between the Government and the local authority, whose Clerk is Registration Officer. All British subjects and citizens of the Republic of Ireland who qualify are entitled to vote as electors, but they must have their names on the register.

### ELECTORAL TRUCE

Under an electoral truce the parties in a Coalition Government, such as the 1940-5 war-time coalition under Churchill's leadership, agree that when a seat falls vacant they will not put up a candidate against the person nominated by the party that held the seat before the vacancy. This means that a by-election would be uncontested, unless an independent or a member of a party not included in the coalition decided to contest the seat.

### ELEVEN O'CLOCK RULE

*See* TEN O'CLOCK RULE.

## ELIZABETH I (1533-1603) AND PARLIAMENT

Elizabeth I ascended the Throne of England on 17 November 1558 at a dark period in the country's history. The nation was bankrupt and threatened on all sides by enemies; poverty, pestilence, and famine stalked the land and the plight of the common people was desperate; and to add horror to an already grim situation England shuddered under the hideous religious persecution introduced by Elizabeth's predecessor and half-sister, Mary. England's prestige abroad was at its lowest level and at home the people were engulfed in a sink of misery, despair, and humiliation. The feeling in the country against the Church of Rome was one of frantic loathing, and the accession of Elizabeth was received by her stricken realm as nothing less than a deliverance. No greater tribute could be paid to the young woman who came to the throne at this dark hour than to point to the facts that within a year of her accession not only had a new hope dawned among the people but stability and security had begun to return to the land, and that at the end of her long and spectacular reign England was at the

## Elizabeth<sup>I</sup> (1558–1603) and Parliament

summit of her power and glory. Whatever may be justly spoken against Elizabeth (and she was not without serious faults) nothing can detract from her greatness as a Sovereign or the magnificence of her age.

Elizabeth was in no sense a constitutional monarch and throughout her reign she made full and free use of the Royal Prerogative (q.v.). In the forty-five years she ruled she summoned only ten Parliaments and she showed no more disposition than her predecessors to tolerate any boldness on the part of her faithful Commons. Parliament she regarded primarily as an instrument of taxation, a body to be called together as and when she found her self to be in need of money. Of the many glorious features which gave lustre to her reign the growth of constitutional freedom was most certainly not one. Nevertheless, these years were important ones in the history of Parliament. It is important to remember that the Commons had emerged as an independent and self-assertive body before Elizabeth came to the throne; that they had won certain well-defined and jealously guarded privileges; and that in addition to their taxing function their power to legislate in concert with the House of Lords had long been established and unchallenged. Elizabeth's Parliaments further consolidated the gains of the past and strengthened the parliamentary institution with the establishment of several important constitutional precedents. The enormous prestige and popularity enjoyed by Elizabeth undoubtedly exercised a restraining influence upon the Commons in their dealings with her, but there were also very definite manifestations in each of her Parliaments of the spirit which was later to overthrow the tyranny of absolute monarchy. From the widespread anti-Catholic feeling which had been engendered by the excesses of Mary's reign there had emerged the Puritan movement, violent in its hatred of papal doctrines and resolved upon nothing less than the total extirpation of the Roman Church in England. It was inevitable that this faction should be reflected in the Parliaments of Elizabeth and become the radical wing of the Protestant majority. From the ranks of the Puritans emerged the boldest spirits of the Elizabethan House of Commons, men who, whilst undeviating in their loyalty to and admiration for the Queen, nevertheless refused to be browbeaten in their disputes with the Crown, and indeed exhibited an amazing stubbornness even in the face of the royal displeasure. Elizabeth endeavoured to counteract the growing independence of the Commons in the manner of her immediate predecessors, by creating or restoring rotten boroughs for the purposes of parliamentary representation. The House of Commons thus included a very large number of Crown nominees, 62 members being added during the reign.

Elizabeth opened her first Parliament on 25 January 1559. The Abbot of Westminster sat among the peers on this occasion, the last on which

any abbot appeared in Parliament. The Commons immediately set themselves to the task of re-establishing the Protestant faith. The authority of the Pope was repudiated, Mary's religious legislation was repealed, and the Church was restored upon a similar basis to that which existed prior to Mary's accession. An Act of Supremacy, appointing the Sovereign the head of the Church, and an Act of Uniformity, prescribing the use of the Protestant prayer book and requiring conformity with the restored faith, were carried through both Houses. Elizabeth had no cause for complaint at the financial provision the Commons made for her. Not only did they vote her lavish supplies exceeding all they had withheld from Mary, but the incomes from vacant bishoprics were made available to her, the properties of religious orders revived by Mary and now suppressed were restored to the Crown, and a further source of revenue was provided by the passing of a First Fruits Act and a Tonnage and Poundage Act. On 6 February the Speaker of the House of Commons with the Privy Council and thirty Members of the House of Commons sought an audience of the Queen and requested her to take a husband. The Queen's famous reply, delivered on the 10th, announced her intention to remain unmarried and ended with the words, 'This shall be for me sufficient, that a marble stone shall declare that a Queen, having reigned such a time, died a virgin.'

Four years elapsed before Elizabeth called her second Parliament, which she opened on 12 January 1563. The question of her marriage and the related matter of the succession had been causing great concern, particularly in the light of the activities of Mary, Queen of Scots, who was already being spoken of by her supporters as Queen of England. Elizabeth, however, refused to commit herself on the matter of the succession despite numerous attempts by Parliament to persuade her to do so. During this session an important penal statute against Catholics was carried in the face of some opposition, providing severe penalties for priests who refused to take the oath of supremacy. The obligation to take the oath was widely extended by the measure, and was imposed on all future Members of the House of Commons, thus excluding Roman Catholics from the lower House, but peers were exempted, 'the Queen's Majesty being otherwise sufficiently assured of their faith and loyalty.' Amongst other measures passed during this session was one to identify the office of Lord Chancellor with that of Lord Keeper of the Great Seal.

Having been prorogued on six successive occasions on account of the plague, Parliament did not meet after October 1563 until September 1566. The question of the Queen's marriage was again raised and Parliament managed to elicit from Elizabeth a promise that she would marry. Both Houses pressed for a more definite undertaking, however, and the Queen rebuked them for their importunity, informing them

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that she would marry where it should please her, with whom it should please her, and as soon as it should please her. She further observed that while she was not surprised at the Commons ('They had small experience and had acted like boys') the fact that the Lords had gone along with them filled her with wonder. The Queen forbade any further discussion of the subject, but Paul Wentworth, one of the bolder spirits of the Commons, inquired of the Speaker whether such an injunction was not against the liberties of Parliament. A long debate ensued which resulted in the Queen sending for the Speaker and commanding him to permit no further argument. But the Commons refused to be subdued and prepared a petition asserting their privileges, in consequence of which the Queen revoked her order. The royal concession was received by the Commons 'most joyfully, with most hearty thanks and prayers for the same'. This session Parliament also came into conflict with the Crown over ecclesiastical matters. A religious Bill was initiated in the Commons to which the Queen objected on the ground that it constituted an encroachment on her prerogative. When the Bill was referred to the Lords Elizabeth gave the order to proceed no further with it. The Commons retaliated by employing obstructive tactics in dealing with government legislation, and as neither Queen nor Commons would yield the session closed very unprofitably. On 2 January 1567 Elizabeth dissolved Parliament, highly incensed against her faithful Commons, to whom she delivered an angry rebuke. Never before had the Commons displayed such a resolute attitude in matters so directly concerning the Sovereign, and the session of 1566 is thus an important one in parliamentary history.

Over four years elapsed before Elizabeth called another Parliament, financial necessity compelling her to do so. The questions of her marriage and the succession were as far from being settled as ever. On 2 April 1571 she opened her third Parliament, and when the Commons met for business it was resolved that the Speaker should read prayers at the beginning of each day's session, a custom which has been continued to this day. The conspiratorial activities of the adherents to the Roman Church, culminating in the Northern Rebellion, had been giving much cause for alarm, and matters were brought to a head in 1570 when the Pope issued the famous bull excommunicating Elizabeth and absolving her subjects from their allegiance to her. With zeal and determination the new Parliament devoted its energies to the legislation which the situation demanded. Many stringent measures were passed, including an Act providing the penalties of high treason for such offences as describing the Queen as a usurper or heretic, calling in question her title, or designating as her heir and successor any but the natural issue of her body, and another directed against papal interference providing a similar penalty for the publication of a

papal bull and the penalties of praemunire for aiding and abetting the Roman Church in various other ways. At the same time the Thirty-nine Articles of Religion were enforced by statute.

The session of 1571 was of great importance for its debates on the constitution of the House of Commons and the qualifications of its members. The principle that a member is returned to Parliament not only to represent his own constituents but to serve the nation as a whole was asserted for the first time. The requirements which determined a man's fitness to sit in Parliament were discussed at length. One member opined that only a resident or inhabitant of a borough should be chosen to represent that borough in the House of Commons. Another urged that 'none should be of the House not of thirty years of age at least' and that 'for the choice of townsmen, there should be one of their own elected, or some gentleman near them, who had knowledge of the state of the country; and the second member should be a man learned and able to utter his mind and opinion'. Another member objected to the practice of the nomination of members on the part of noblemen who owned the boroughs for which they sat. This member, Mr. Bell, may well have been the first advocate of parliamentary reform, but his views do not appear to have been widely shared. Far from condemning the nomination system the majority regarded it as being very much in the local interests of the towns concerned, but exception was taken to any interference at elections in the interests of the government.

In this same session a Puritan member named Strickland was prohibited from attending Parliament for having introduced a Bill which proposed to alter the prayer book. The matter was raised in the House of Commons as an issue of privilege and was debated with great warmth and boldness. Sir Francis Knollys, speaking for the government, insisted that the Bill was 'against the prerogative of the Queen, which was not to be tolerated'. Christopher Yelverton replied that 'the precedent was perilous' and 'to say the Parliament had no right to determine of the Crown was high treason. Men are not there for themselves, but for their countries. It was fit for princes to have their prerogatives, but straitened within reasonable limits. The prince of herself could not make, neither, by the same reason, break them.' This was bold speaking indeed, and Knollys and his fellow Privy Counsellors in the House began to realize that they were on the losing side of the argument. The debate was terminated on the motion of the Speaker, but it had achieved its purpose, for on the following day the Queen discreetly removed the prohibition on Strickland and he reappeared in the House to the great delight of his friends. As a result of the obligation upon members to take the oath of supremacy the House of Commons of 1571 was the first to contain no avowed Catholics.

## Elizabeth I (1558–1603) and Parliament

Elizabeth's fourth Parliament was called the following year and was opened on 8 May 1572. It was unusual for one Parliament to follow so closely on the heels of another (although there had been annual Parliaments during the reign of Edward III, as the new Speaker pointed out in his speech after being elected) but the urgency of the situation which had been created by the conspiracies involving Mary, Queen of Scots, gave Elizabeth no alternative but to summon the two Houses to assemble once again. In January the Duke of Norfolk had been found guilty of high treason and with the greatest reluctance the Queen signed the warrant for his execution. But she shrank from taking this extreme step against the Scottish Queen, now in captivity in England. Her chief minister, Lord Burghley, had long been pressing her to assent to the initiation of proceedings against Mary, and backed by the insistence of both Lords and Commons the pressure upon Elizabeth became strong. A deputation from both Houses waited on her and she stated her wish that Parliament should not impeach her cousin for high treason but adopt some milder course. A Bill was carried to disqualify Mary from succeeding to the Throne of England, but even to this measure Elizabeth was reluctant to assent.

A number of prorogations took place before Parliament again assembled on 8 February 1576. A notable precedent was established at the beginning of this session enabling the eldest sons of peers to sit in the House of Commons. Lord Russell, the son of the newly created Earl of Bedford, was ordered to continue to sit in the lower House as the burgess for Bridport, notwithstanding the fact that he was the heir to the earldom. The most noteworthy incident of this session was a bold defence of liberty by Peter Wentworth, brother of the Paul Wentworth referred to previously. During the course of a speech of unprecedented outspokenness he observed that 'two things do very great hurt in this place, of the which I do mean to speak. The one is a rumour that runneth about the House, and this it is: "Take heed what you do. The Queen's Majesty liketh not of such a matter: whosoever preferreth it, she will be much offended with him." Or the contrary: "Her Majesty liketh of such a matter: whosoever speaketh against it, she will be much offended with him." The other is: sometimes a message is brought into the House, either of commanding or inhibiting, very injurious unto the freedom of speech and consultation. I would to God, Mr. Speaker, that these two were buried in Hell: I mean rumours and messages.' To the dismay of the House his speech developed into a direct attack upon the Queen. 'Certain it is, Mr. Speaker, that none is without fault: no, not our noble Queen. Since, then, Her Majesty hath committed great faults—yea, dangerous faults to herself and the state—love, even perfect love, void of dissimulation, will not suffer me to hide them to Her Majesty's peril, but to utter them to Her Majesty's safety. And these they are. It is a dangerous thing in a Prince unkindly to

intreat and abuse his or her nobility and people, as Her Majesty did the last Parliament. And it is a dangerous thing in a Prince to oppose or bend herself against her nobility and people, yea against most loving and faithful nobility and people. And how could any Prince more unkindly intreat, abuse, and oppose herself against her nobility and people than Her Majesty did the last Parliament?' Wentworth was eventually forbidden to continue what was probably the most remarkable speech ever to have been heard in the House of Commons, and his audacity earned him a month's imprisonment in the Tower. He was liberated before the end of the session, and it was stated to the Commons on the Queen's behalf, that 'she was absolutely persuaded that his speech proceeded of abundance of zeal towards her' and that she had 'not only forgiven but also forgotten the inconsiderateness of the same, and did accept him to be in as good grace and favour as ever she did before'. This gesture of royal magnanimity serves to illustrate that even in the days of absolute monarchy an English sovereign could tolerate, even appreciate, the spirit which moves a man to speak his mind.

Parliament was prorogued no less than twenty-six times before it assembled again for business on 16 January 1581. In the House of Commons Paul Wentworth moved that a fast should be observed, to which the House agreed by 115 votes to 100. The Queen was highly incensed at this, for not only had the House again usurped her authority in matters of religion, but she saw in the resolution a resumption of the tactics of the Puritan opposition which had been a source of aggravation to her previously. Angrily she sent for the Speaker and commanded him to inform the House of her displeasure. The matter was smoothed over by the Commons' acceptance of a compromise motion agreeable to the Queen. The session of 1581 records the first conflict of opinion between the two Houses. A Bill for fortifying the northern borders which had been sent down by the Lords was returned by the Commons and a substitute Bill set up in its stead. The Lords recorded their objection to this action on the part of the lower House, describing it as 'derogatory to the superiority of the place, and contrary to the ancient course of both Houses'. The objection was entered in the Journal, 'lest so evil an example may hereafter be used as a precedent', but the Lords accepted the Commons' Bill and the precedent they feared was established despite their lordships' solemn precaution. In this same session the House of Lords was first recognized as a Court of Appeal.

The House of Commons decisively asserted its right to punish its own members in the 1581 session. A number of knights, burgesses, and citizens were fined and deprived of their wages for absence without leave, but the most outstanding case of disciplinary action was that of Arthur Hall, the burgess for Grantham, who was expelled from the

## Elizabeth I (1558–1603) and Parliament

House, fined, and imprisoned for publishing a book 'not only reproaching some particular good Members of the House, but also very much slanderous and derogatory to its general authority, power and state, and prejudicial to the validity of its proceedings in making and establishing of laws'. Hall's case is cited by Hatsell (q.v.) as the leading precedent for the power of expulsion which the Commons have always retained. Elizabeth's fourth Parliament, the longest of her reign, was after further prorogations finally dissolved on 19 April 1583, having lasted eleven years yet having assembled for only three sessions totalling less than six months between them.

The fifth Parliament of the reign met on 23 November 1584, at a time of great national anxiety. The unceasing conspiracies of the papists had brought about a situation of the utmost gravity and the problem of the succession was still far from being determined. The Queen was now fifty-one and the question of her marriage had ceased to be an issue as no hopes of an heir could be based upon any union she might now contract. A Bill directed against the Jesuits was carried with little difficulty, the only fierce opposition to it in the House of Commons coming from Dr. William Parry, who was subsequently executed for conspiring against the Queen's life. The national danger had become so alarming that in 1585 the Commons debated the state of the nation, and the Lords deemed it necessary to bring in a Bill providing for the protection of the Queen's person. In this tense and foreboding atmosphere Elizabeth at last yielded to the pressure which had long been exerted upon her to proceed against Mary, Queen of Scots. On 29 October 1586 Elizabeth's sixth Parliament was opened by commission, having been summoned for the special purpose of attainting Mary Stuart. Both Houses were insistent upon her execution and a joint petition was presented to Elizabeth calling for the visitation of the supreme penalty upon her cousin. But the Queen was loth to agree to this extreme step and she asked Parliament if no alternative measure could be devised to secure the safety of the kingdom. Parliament replied that there was no other course, and when the Lord Chancellor and the Speaker sought audience of the Queen at Richmond they finally persuaded her of the necessity of the step she dreaded. Unanimously condemned by both Houses of Parliament, Mary, Queen of Scots, superbly courageous to the end, suffered death on the block on 8 February 1587. The Parliament of 1586, following a precedent of 1542 when Catherine Howard was attainted, sat not as a legislative assembly but as a judicial tribunal, a precedent which was again to be asserted by the Commons in 1649 when Charles I came to be tried and judged.

The execution of Mary, Queen of Scots, put paid to Elizabeth's enemies at home, but it drove the Spanish King into waging open war upon England. His aggressive action proved his own undoing.



## Elizabeth I (1533-1603) and Parliament

Parliament and the country rallied to their Sovereign with a patriotic fervour, liberal supplies were voted by the Commons for the defence of the realm, and the fate of the formidable Spanish Armada needs no re-telling.

In the session of 1587-8 the Commons again came into collision with the Queen over ecclesiastical matters. Puritan feeling had been progressively mounting in strength, and although various steps had been taken to curb its growth, including the establishment of the High Commission Court in 1583 for the trial of religious offences, they had failed to induce the uniformity intended. A member named Cope now brought forward a Bill to abolish the existing canon law and proposing a revised form of common prayer which was set out in a book which accompanied the Bill. The Speaker ruled against the introduction of the Bill on the ground that the Queen had on previous occasions commanded the Commons not to meddle in such matters. The Puritan members treated the ruling as an infringement of privilege and the issue was warmly debated, whereupon the Queen sent for the Speaker and commanded him to deliver up to her the offending Bill and book. This action led Peter Wentworth to formulate a number of questions relative to the liberties of the House which he presented to the Speaker with the demand that they be read. Instead, however, Wentworth, Cope, and others who had spoken in favour of the latter's motion were committed to the Tower, and although their release was demanded by the House they remained confined until the dissolution three weeks later.

The seventh Parliament of the reign, which sat from 4 February to 29 March 1589, was comparatively uneventful. The Royal Assent was received to all the Bills passed by both Houses, but the Queen intercepted two Commons measures, one which sought to check the abuses in the exchequer and the other dealing with purveyance, on the ground that such grievances were not matters for legislation and could be otherwise redressed.

Elizabeth's eighth Parliament met on 19 February 1593, and a stern warning was issued to the Commons at the very outset. They were instructed by the Lord Keeper to lose no time in idle speeches but to devote themselves entirely to necessary business. He recalled that in the past members had been wont to 'delight themselves in vain orations, full of verbosity and of vain ostentations, more than in speaking of things of substance'. On the 22nd the Commons presented their Speaker, Sir Edward Coke, at the Bar of the upper House, and in answer to his customary claim for the privilege of free speech the Lord Keeper made it clear that the privilege was merely the right to say 'Aye' or 'No', and 'not to speak every one what he listeth, or what cometh into his brain to utter'. The warning had little effect, for at the very first meeting of the Commons, the indomitable Peter

## Elizabeth I (1558-1603) and Parliament

Wentworth sought leave to introduce a Bill entailing the succession to the Crown. The Queen, infuriated, ordered the commitment of Wentworth and the three members supporting his petition. Wentworth remained in the Tower until his death in 1596, a sufferer in the cause of parliamentary freedom. A fifth member named Morrice was imprisoned shortly afterwards for introducing a Bill directed against the High Commission Court, and once again the Queen repeated her warning to the Commons not to meddle in ecclesiastical matters. The lower House appears to have thoroughly succumbed to royal intimidation this session as a motion for the release of the imprisoned members was rejected without a division. In their dealings with the Lords, however, the Commons exhibited a far stouter resolution. The upper House let it be known that it considered as inadequate the Supply which the Commons proposed to grant to Her Majesty, and suggested a joint conference of the two Houses on the matter. Francis Bacon, who first entered Parliament in 1593, rose in defence of the financial privilege of the lower House, pointing out that the right to grant a subsidy rested solely with the Commons. The House endorsed Bacon's view by 217 votes to 128, and although the conference was in actual fact held and the grant substantially increased, the Commons made it clear that no departure from principle was involved by emphasizing that 'these large and unusual grants, which are made to a most excellent Princess, on a most pressing and extraordinary occasion, may not at any time hereafter be drawn into a precedent'.

Towards the end of the session, when the attendance of members was sparse, a Government Bill proposing to extend the penalties imposed upon recusants to Protestant nonconformists slipped through the House of Commons. This legislation and the generally repressive policy of the state towards dissenters drove the Puritans from mere opposition into outright hostility towards the Crown and the national Church, the full effects of which were destined to be felt most forcibly in the next century.

Elizabeth's ninth Parliament met on 24 October 1597 and sat until 9 February 1598. It devoted itself mainly to domestic legislation and was marked by an absence of the ecclesiastical disputes which had hitherto been prominent features of the Elizabethan Parliaments. The new Speaker, Serjeant Yelverton, introduced a touch of novelty into the customary speech excusing himself from taking office by elaborating ingeniously upon his multifarious disabilities, ranging from the financial to the physical. He subsequently went astray in a number of his rulings, insisting on one occasion that an adjournment of the Lords involved an adjournment of the Commons. Much time was wasted during this session on insignificant matters and there were frequent clashes between the two Houses on minor issues. One of the more important questions raised, and one which was to be revived in the

following Parliament, was that of the abuses arising from monopolies. A petition praying for redress was presented to the Queen, who promised to afford a remedy, but she was loth to sacrifice the royal privilege of granting patents.

The tenth and last Parliament of Elizabeth's long reign met on 27 October 1601, and the Commons again addressed themselves to the grievances arising from monopolies, an issue which constituted the main business of the session. A debate occupying four days revealed the most flagrant abuses which for the most part pressed heavily on the poor. When the list of patents was read out one member was moved to exclaim, 'Is not bread among the number?' The Queen's ministers were left in little doubt of the popular feeling on the matter by the conclusion of the debate, but the problem was resolved by typically shrewd action on the part of Elizabeth herself, who issued a proclamation revoking all monopolies that should be found injurious by fair trial at law. Another heated debate in the Commons took place this session over a Bill for compelling attendance at church. On a division being taken 105 were shown to be in favour of the Bill and 106 against, upon which the minority claimed that the Speaker should have a vote additional to his casting vote. A scene of great uproar developed around the argument but the vote of the majority was held to be good and the Bill was lost.

Parliament was prorogued in December and the Queen died on 24 March 1603, before the Houses assembled again. Parliament played an important part during the reign of Elizabeth, and although she ruled largely through her Privy Council and periodically commanded the Commons not to meddle in matters of the state and the Church she did not remain unmoved by the voice of popular opinion as expressed in the lower House. Although they themselves knew it not, men like the Wentworths were the forerunners of the mighty movement which in a later age was to sweep away absolute monarchy and establish parliamentary government on a firm and durable basis.

(Further reading: Neale, *The Elizabethan House of Commons*, 1949; Neale, *Elizabeth I and her Parliaments*, 2 vols., 1953-7.)

#### ELSYNGE, HENRY (1598-1654)

Clerk of the House of Commons from 1632 to 1648 and a scholar of great learning. He was highly regarded in his own day as an authority on the law and history of Parliament, and it was said of him that for 'his abilities and prudence, more reverence was paid to his stool than to the Speaker's Chair'. He was the first Clerk of the House to write a treatise on parliamentary practice, and his work provides our foremost source of information on procedure at the time of the Long Parliament (q.v.). Elsynge resigned his office in 1648 to avoid taking part in the proceedings against Charles I. In recognition of his loyalty the first

## Emancipation Act

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Parliament after the Restoration granted the sum of £500 for the relief of his children.

Elsynge's most important work was his 'The Manner of holding Parliaments in England', originally published in 1660 under the title, 'The ancient Method and Manner of holding Parliaments in England', and in a new and enlarged edition, edited by Tyrwhitt, in 1768. His other works are: 'A Tract concerning Proceedings in Parliament'; 'A Declaration or Remonstrance of the State of the Kingdom', 1642 (in Rushworth's *Historical Collection* and Husband's *Remonstrances*); and 'Method of passing Bills in Parliament', 1685 (in Harleian Miscellany).

## EMANCIPATION ACT

See ROMAN CATHOLICS IN PARLIAMENT.

## EMPIRE PARLIAMENTARY ASSOCIATION

See COMMONWEALTH PARLIAMENTARY ASSOCIATION.

## ENGROSSING A BILL

The old method of engrossing Bills, i.e., transcribing them upon parchment, was continued until 1849. Until then the question 'That this Bill be engrossed' was put on the report stage, but after that Bills were printed. The omission of the formal question and division necessary to the old procedure saved a certain amount of time, although it was not used for Bills brought from the Lords, which were already engrossed.

## ENTRENCHED CLAUSE

A section in a constitution which can only be repealed or altered by special processes, e.g., the entrenched clauses in the South Africa Act. These deal with the preservation of voting rights and the maintenance of the equality of the official language, and the Act lays down that no repeal or alteration of these clauses shall be valid unless the Bill embodying such alterations or repeal is passed by both Houses of Parliament sitting together, and the third reading agreed to by at least two-thirds of the total number of members of both Houses.

See also SOUTH AFRICAN PARLIAMENT.

## ESTATES OF THE REALM

The Lords Spiritual, the Lords Temporal, and the Commons are the three estates of the realm which theoretically survive, notably in the enacting formula of an Act of Parliament, from the three broad classes of medieval society, the clergy, the barons, and the commons. For all practical purposes the clergy have ceased to be a separate estate. They are represented in the House of Lords by the spiritual peers, and in the

Commons by the popular representatives elected by clergy and laity alike. Actually, the 'Grades' or 'Estates' in the 14th-century Parliaments were many and not merely three in number—and they were not distinctions of birth. The judges were called an estate, and so were the clerical proctors; yet the one was composed of royal nominees and the other of representatives whose birth might be on any grade from base to noble. The description of Parliament as the 'Three Estates' arose in the 15th century out of a mistaken French analogy, and the phrase was never a true definition of an English Parliament. The whole conception of caste implied in the words was alien to English law and politics: every man's place in Parliament was determined by tenure and not by status, by writs of summons and not by class distinctions. So far from the English Parliament being a system of three estates, it was the difference between such systems and the English Parliament that enabled our system to survive and grow, while every system of estates dwindled away and died.

## ESTIMATES

The anticipated financial requirements of the public service for the forthcoming financial year. The Estimates consist of five main divisions, each published as a separate volume: the Army Estimates, Navy Estimates, Air Estimates, Civil Estimates, and the Estimate of the Ministry of Defence. The Revenue Departments' Estimates are also printed separately although they are a branch of the Civil Estimates. The Civil Estimates are grouped into ten classes as follows: (1) Central Government and Finance; (2) Commonwealth and Foreign; (3) Home Department, Law and Justice; (4) Education and Broadcasting; (5) Health, Housing, and Local Government; (6) Trade, Labour, Materials, and Supply; (7) Common Services (Works, Stationery, etc.); (8) Agriculture and Food; (9) Transport, Fuel, Power, and Industrial Research; and (10) Pensions, National Insurance, and National Assistance. Each class is sub-divided into 'votes', a vote representing a public department such as the Foreign Office, although some departments administer several votes (e.g., the Home Office, in addition to its own vote, is responsible for those in respect of Civil Defence, Metropolitan Police, Prisons, etc.). Each vote is sub-divided into 'heads' which are further sub-divided into 'items'. The Estimates of the armed services are divided into votes but not into classes, and the Ministry of Defence Estimate consists of one vote only.

The Estimates are prepared by the various departments concerned. They must be passed by the Treasury and approved by the Cabinet, after which they are presented to the House of Commons. Printed on the cover of each volume of Estimates are the words, 'Presented by Command of Her Majesty', for these Estimates comprise the 'aids and supplies' which the Commons are being asked to grant to the Crown

## Estimates

in order to meet the needs of the public service. Also printed on the covers are the words, 'Ordered by the House of Commons to be printed [followed by a date]', for the Estimates are published as House of Commons Papers (q.v.). The Estimates constitute the bulk of the financial business of the session. They are considered in Committee of Supply and must be approved both in committee and on report in the House before legislation can be introduced to give them statutory authority.

The Estimates detail in full the anticipated expenses of each department and the specific purposes for which the money is required, such as salaries, stores and equipment, the maintenance of services, grants to various bodies and organizations, travelling expenses, etc. A large proportion of the money required goes to pay salaries and the staff of each department are listed by their grades, the sum necessary to meet their salaries being stated against each grade. Where there is more than one officer on the same grade they are listed collectively and the money required to pay their salaries is given as a total sum (e.g., 17 Senior Executive Officers . . . . . £21,433). The equivalent estimate for the previous year is given in a parallel column against each item for the purpose of comparison. Most departments include in their Estimates sums in respect of 'appropriations-in-aid'. These represent receipts from sales and services, and they are deducted from the gross estimate, the approval of Parliament being required only for the remainder. Appropriations-in-aid cannot be reduced in Committee of Supply, but if they exceed the total estimated expenditure the department concerned calculates its Estimates in such a manner as to provide for a net expenditure of £100 which the House votes as a 'token vote'. The purpose of the token vote is to maintain the principle of parliamentary control over expenditure. Any surplus appropriations-in-aid are paid into the Exchequer. Until the passing of the Public Accounts and Charges Act, 1891, all such receipts were paid direct into the Exchequer. By enabling the departments to make direct use of any moneys received both time and labour are saved through the avoidance of unnecessary transfers.

The Estimates provide for each financial year as a self-contained period. Surpluses may not be carried over from one financial year into another but must revert to the Exchequer. This system has been criticized on the ground that it encourages wastefulness. A very serious view is taken if a department overspends its estimate and therefore (assert the critics) a department may be tempted to over-estimate its requirements and indulge in needless expenditure at the end of the year in order to avoid a surplus. However, with the many effective checks on expenditure which are afforded by Treasury control, the auditing of public accounts, and the financial committees of the House of Commons (not to mention the high standard of integrity

maintained by the public service generally), it is doubtful whether such practices could be carried to any great extent. Service departments are allowed a concession denied to the civil departments in the appropriation of funds; under a procedure known as 'virement' they may apply funds appropriated to one vote to the purposes of another, a power which is conceded by virtue of the fact that the requirements of the armed forces are more unpredictable than those of the civil administration. Civil departments are permitted to transfer funds between items within an individual vote.

In addition to the main Estimates, which account for most of the time spent by the House of Commons in Committee of Supply, there are three other forms of Estimates to be considered: Supplementary Estimates, Votes on Account, and Excess Votes. A fourth type, Votes of Credit, is normally only utilized in time of war or other grave emergency. Under existing procedure twenty-six days, known as Supply days, are allotted during each session to the consideration of all Estimates. Under the former procedure, when twenty days were allotted to Supply, Supplementary Estimates and Excess Votes fell outside the allotted days, and there was no limit to the debate which could take place upon them. It will be convenient to consider each of these further forms of Estimates individually.

**SUPPLEMENTARY ESTIMATES.** It usually happens that some departments, having submitted their main Estimates, find that they have under-estimated their requirements and are compelled to ask Parliament for more money. Estimates of the additional requirements, known as Supplementary Estimates, are prepared in a form similar to the main Estimates, details of the proposed expenditure being set out in the same way to inform the House of the purposes for which the extra money is required. It is important to emphasize that Supplementary Estimates are prepared and presented to Parliament well before the end of the financial year for which they provide, and in order to avoid a deficit being carried over into the next financial year (beginning 1 April) they must be passed by the House before 31 March. In order to avoid any confusion regarding the Supplementary Estimates, it should be remembered that the parliamentary session overlaps two financial years, the latter months of one financial year corresponding with the first months of the session. Consequently, the consideration of the Supplementary Estimates is amongst the first financial business of the session and not the last. The main Estimates which they supplement will, of course, have been passed during the previous session.

**EXCESS VOTES.** It sometimes happens at the end of a financial year that a department discovers it has exceeded its Estimates. By this time it is too late to present Supplementary Estimates and the

## Estimates

department is faced with a deficit and the necessity of explaining it to the Committee of Public Accounts (q.v.). Excess expenditure is automatically deplored although in certain circumstances there may be a satisfactory explanation. Departments naturally take great care to avoid exceeding their Estimates, for an overdraft suggests incompetent accounting and reflects upon the efficiency of the department concerned. Consequently excesses seldom occur and when they do occur they usually involve only insignificant sums. However, when an Estimate is exceeded legal provision must be made for the excess, and Parliament effects this in the first instance by passing an Excess Vote. The mistake is thus pardoned, but a large excess would not be so readily excused and would be regarded with the utmost seriousness. An Excess Vote is required in respect of the Civil Estimates when any single vote has been exceeded, but in the case of the service Estimates, only when the total Estimates for the particular service have been exceeded, as the armed forces are empowered by the Appropriation Act to apply any surplus remaining from one vote to cover any deficit incurred on another, the power known as 'virement'. It is important to distinguish between Excess Votes and Supplementary Estimates. The former are designed to legalize excess expenditure *after* it has been incurred, while the latter seek the provision of increased funds *before* any overspending has taken place, this being a perfectly normal and regular procedure. Excess Votes, if any, form a part of the first financial business of the session and are passed to cover deficits incurred in the *previous* financial year.

**VOTES ON ACCOUNT.** The main Estimates, which constitute the bulk of the financial business of the session, are seldom passed before July or August, well after the beginning of the financial year for which they provide. It is necessary, therefore, to provide the departments with funds to cover their immediate needs and to carry them over until the main Estimates are approved. The procedure adopted for this purpose in respect of the civil departments differs from that which is applied for the benefit of the armed forces. The civil departments prepare provisional Estimates which are presented to the House of Commons in the normal manner and given special priority consideration. They must necessarily be approved before 31 March, and under the system of closure (q.v.), which is a feature of the existing procedure in Supply debates, this part of the financial business is expedited accordingly. The House approves these provisional Estimates by passing Votes on Account. Under former procedure, although the August closure operated in respect of the main Estimates, the passage of the Votes on Account was not assisted by the 'guillotine' (q.v.) which operates to-day. When this closure is applied the question is put, without further debate on all Votes on Account which remain



undiscussed, and also on any Supplementary Estimates and Excess Votes which have not been passed.

Under the procedure adopted in respect of the armed services no Vote on Account is usually necessary. In each of the three volumes of service Estimates, Vote 1 is always concerned with the pay of the personnel, which is usually the major item of service expenditure. This vote is invariably debated and passed before the new financial year begins, and by means of the power of 'virement' the services are permitted to apply the money which has been appropriated to the purposes of pay to other purposes as well until such time as the main Estimates are passed. The funds allocated to pay are usually sufficient to supply all other needs as well for the first few months of the financial year, but when they are insufficient further votes are specially passed in addition to Vote 1. Under certain circumstances the armed services may require a Vote on Account, but seldom under normal conditions.

**VOTES OF CREDIT.** Under conditions of national emergency and in particular during war-time it is usually either impossible or contrary to the national interest to draw up detailed Estimates of expenditure. In these circumstances Parliament is asked to pass a Vote of Credit, the effect of which is to place a large sum of money at the disposal of the public service for unspecified purposes. Votes of Credit were frequently passed during the two World Wars, i.e., in 1943, the House approved a Vote of Credit of one thousand million pounds for the prosecution of the war. Although sometimes rendered necessary by emergency conditions, Votes of Credit are obviously undesirable in principle.

The annual statutes which give legal effect to all the Estimates once they have been approved in Committee of Supply and on report in the House are the Consolidated Fund and Appropriation Acts. The Appropriation Act (q.v.) is the main Act and is passed after the main Estimates have been agreed to. Statutory authority for Votes on Account, Supplementary Estimates, and Excess Votes is provided by the Consolidated Fund Act (q.v.), which is passed earlier in the session. If the financial business of the session is particularly heavy it may be necessary to pass more than one Consolidated Fund Act before the main Estimates are finally passed.

Although it is the function of the Committee of Supply to consider the Estimates, a thorough detailed consideration is hardly feasible in a Committee of the Whole House, particularly in view of the discursive nature of Supply debates. It is the custom, therefore, to refer the Estimates to a Select Committee on Estimates (q.v.) for more specific consideration.

*See also* PROCEDURE, FINANCIAL; SUPPLY.

## **Estimates Committee**

### **ESTIMATES COMMITTEE**

*See* SELECT COMMITTEE ON ESTIMATES.

### **EXAMINERS (OF PRIVATE BILLS)**

When a Private Bill (q.v.) is promoted certain preliminaries are required by Standing Orders. To ascertain that these steps have been complied with two examiners are appointed, one from the staff of each House. Notice of the examination is given to promoters of Private Bills, who must appear, either in person or represented by parliamentary agents, otherwise the petition will be struck out. No Bill can proceed unless the examiners certify that Standing Orders have been complied with.

### **EXCEPTIONAL GRANTS**

A term which, according to Erskine May, covers several different kinds of expenditure of an unusual character. They may be presented as Estimates (q.v.), in which case they are considered in Committee of Supply and receive legislative sanction in the annual Appropriation Act (q.v.), or they may be dealt with in a Committee of the Whole House (q.v.) on a financial resolution (q.v.), in which case a special Act is required to legalize them.

The following charges may be cited as examples of exceptional grants:

A grant to cover a non-recurring expense in connexion with an imperial undertaking, such as the purchase of the Suez Canal shares;

A special grant for a novel purpose, such as the presentation of a Mace to a new Commonwealth legislature;

A grant for 'the maintenance of the dignity and well-being of the Crown', such as provision for the Civil List (q.v.) on the demise of the Crown;

A grant to provide for rewards to individuals for distinguished public service.

### **EXCESS VOTES**

*See* ESTIMATES; PROCEDURE, FINANCIAL.

### **EXCHEQUER**

*See* TREASURY.

### **EXCLUSION BILL**

*See* ROMAN CATHOLICS IN PARLIAMENT.

### **EXCLUSIVE LIST**

A list of subjects appended to a federal constitution in respect of which only the federal legislature has power to make laws.

## EXECUTIVE COUNCIL

This body formulates policy in a colonial government and is also the authority on all disciplinary questions relating to the Colonial Service in the territory. It is composed of *ex-officio* members, who are usually the Chief Secretary, the Attorney-General, and the Financial Secretary, and official and sometimes unofficial members who are nominated by the Governor. Government measures are considered by the Executive Council before being submitted to the Legislative Council in the form of Bills. The Governor summons and presides over the Council, whose proceedings, like those of a Cabinet, are confidential, but it differs from a Cabinet in that it is only advisory, although the Governor is bound to consult it, and it has no collective responsibility. A colonial Governor is empowered to overrule his Executive Council, but if he does so he must give his reasons to the Colonial Secretary.

## EXEMPTED BUSINESS

Business which is exempted from the operation of the House of Commons Standing Order which provides for the automatic interruption of business at 10 p.m., known as the Ten o'clock Rule (q.v.).

The following is a complete list of Exempted Business:

(1) The proceedings on all stages of Bills originating in Committee of Ways and Means, namely, the annual Consolidated Fund Bills and Finance Bill. (See APPROPRIATION ACT; CONSOLIDATED FUND ACTS; and FINANCE ACT.)

(2) Proceedings in pursuance of an Act of Parliament, resolutions made under certain statutes such as the Church of England Assembly (Powers) Act, 1919, and proceedings relating to delegated legislation (q.v.), mainly in the form of Statutory Instruments (q.v.), where the authorizing statute expressly provides for such proceedings. The latter business usually takes the form of a motion for an Address to the Crown to annul Statutory Instruments. Such motions are usually made by private members and can only be made in cases where the authorizing statute requires or permits the sanction of Parliament for the rule or order it is sought to annul.

(3) Proceedings on the reports of the Committee of Ways and Means and Committees of the Whole House (other than the Committee of Supply) authorizing the expenditure of public money.

(4) Proceedings in pursuance of Standing Order No. 87, which provides that 'In all contracts extending over a period of years, and creating a public charge, actual or prospective, entered into by the Government for the conveyance of mails by sea, or for the purpose of telegraphic communications beyond sea, there shall be inserted the

### ***Ex-officio Member***

condition that the contract shall not be binding until it has been approved of by a resolution of the House.'

Any business other than the above can be exempted on the affirmed motion of a Minister of the Crown.

### **EX-OFFICIO MEMBER**

A member of a colonial legislature who holds his seat by virtue of an office under the Crown. He has, like a Governor, an obligation to obey the directions of the Colonial Secretary, whether they accord with his personal views or not. The *ex-officio* members consist of the *ex-officio* members of the Executive Council, who form the nucleus of the Legislative Council as well, and the holders of certain other prescribed offices.

### **EXPENDITURE**

See APPROPRIATION ACT; CIVIL LIST; COMMITTEE OF PUBLIC ACCOUNTS; CONSOLIDATED FUND; CONSOLIDATED FUND ACTS; ESTIMATES; EXCEPTIONAL GRANTS; FINANCIAL RESOLUTION; PRIVILEGE, FINANCIAL; PROCEDURE, FINANCIAL; SELECT COMMITTEE ON ESTIMATES; SUPPLY.

### **EXPIRING LAWS CONTINUANCE ACT**

An Act passed in the British Parliament each session to provide for the continuance of temporary Acts. These are Acts which are valid for a limited period, such as those passed to meet some special emergency. Others may be of an experimental nature, and if they do not succeed in their object lapse automatically unless included in the Schedule to the annual Expiring Laws Continuance Act.

### **EXPLANATORY MEMORANDUM**

A memorandum which explains the contents and object of a Bill in non-technical language. Such a memorandum is prepared when required and circulated with the Bill.

*See also* FINANCIAL MEMORANDUM.

### **EXPULSION FROM PARLIAMENT**

The House of Commons has always retained the right of expulsion, the leading precedent being the case of Arthur Hall (q.v.) in 1581. Members have been expelled for offences committed against the House itself or for grave misdemeanours which do not of themselves, like treason and felony, automatically disqualify a person from membership. The most recent case of expulsion from the House of Commons was in December 1954, the expelled member having been convicted of a criminal offence and sentenced to a term of imprisonment. In October 1947, a member was expelled after the House of Commons had found him guilty of gross contempts of the House. Expulsion does not involve

## Expulsion from Parliament

disqualification, and an expelled member is eligible to serve again in Parliament, including the same Parliament which expelled him, if re-elected, a principle which was established in 1782 as a result of the case of John Wilkes, (q.v.). Erskine May points out that 'the purpose of expulsion is not so much disciplinary as remedial, not so much to punish Members as to rid the House of persons who are unfit for membership'.

The House of Lords has the right, although obsolete, to disqualify a peer from sitting in the House by its sentence, when the offender has been tried and found guilty on impeachment (q.v.). Such disqualification may be permanent or temporary and is removable only by pardon from the Crown.

# F

## FAGGOT VOTING

A device, dating back to the days of the early Stuarts, for extending the right to vote on the basis of a property qualification. Where the rooms of a tenement building were leased to a number of individuals, the right to exercise the franchise which the property conferred upon its owner or lessee could be split amongst the inhabitants of the building, thus creating a multiplicity of votes where there should have been only one. Even the Reform Act (q.v.) of 1832 failed to abolish this practice, which continued well into the 19th century.

## FALKLAND ISLANDS LEGISLATIVE COUNCIL

Consists of 11 members, 5 official and 6 unofficial. Of the unofficial members 4 are elected and 2 nominated by the Governor. The Executive Council has 4 official and 3 unofficial members. The reformed Legislative Council, previously with an official majority and an unofficial minority wholly nominated, was constituted by the Falkland Islands (Legislative Council) Order in Council dated 26 November 1948 and an amending Order dated 14 November 1951.

## FATHER OF THE HOUSE

The title given to the Member of the House of Commons who has served the longest without a break, even though he may have represented different constituencies. Thomas William Coke, afterwards Earl of Leicester, was referred to in his obituary in *The Times* as 'Father of the House', although his service between 1776 and 1831 was not uninterrupted. Christopher Talbot had more right to the title as he sat continuously from 1830 to 1890, but his record for long service was beaten by C. P. Villiers, who was Member for Wolverhampton from 1835 to 1898. Villiers became Father in 1895, following Gladstone, who had succeeded Talbot in 1890. Subsequent Fathers have been Sir John Mowbray, 1898, W. W. B. Hicks-Beach, 1899, Sir Michael Hicks-Beach, 1901, George Henry Finch, 1906, Sir Henry Campbell-Bannerman, 1907, Sir John Henry Kennaway, 1908, Thomas Burt, 1910, T. P. O'Connor, 1918, David Lloyd George, 1929, Earl Winter-ton (now Lord Turnour), 1944, and Sir Hugh O'Neill (now Lord Rathcavan), 1951. The present Father of the House is the Rt. Hon. David Grenfell, C.B.E., who has held that honourable position since 1952.

## **Federation of Rhodesia and Nyasaland Parliament**

**FAWKES, GUY**

*See GUNPOWDER PLOT.*

### **FEDERAL ASSEMBLY**

The legislature of the Federation of Rhodesia and Nyasaland, situated in Salisbury, Southern Rhodesia.

### **FEDERAL PARLIAMENTS**

The formation of a federation is a recognition that certain governmental tasks cannot be performed adequately by the separate states and require handling on a broader basis. Therefore it is essential for a federal legislature to ensure that it can carry out the functions assigned to it and be able to act to meet the needs of the larger community. At the same time it must take account of the interests of the various sections of the new community and of the continuing responsibility of the member states for their fields of government. Although the needs and interests of the federation must normally prevail over those of individual states, the federation should exercise its powers so as not to impede unnecessarily the use by the member states of the powers they retain, although the constitution is the primary safeguard against improper extension of federal authority. The majority of federal Parliaments are bicameral, the upper House, in addition to its revisory rôle, being designed to reflect the interests of the constituent states, either as regions or as political entities. For the smaller states with limited representation in the lower House, representation in the upper House gives them greater influence in federal affairs than their populations alone would justify.

A federal constitution distinguishes between the subjects on which the federal and the state Parliaments have power to legislate, the federal subjects appearing in an 'exclusive' list. Matters which can be dealt with by the federal or the state legislatures are embodied in a 'concurrent' list, every subject not on these two lists coming under the sole jurisdiction of the state Parliaments. Countries in the British Commonwealth with a federal, or modified federal, constitution are Canada, Australia, India, Pakistan, Rhodesia and Nyasaland, Nigeria, and Malaya.

(Further reading: Wheare, *Federal government*, 1953.)

### **FEDERATION OF NIGERIA**

*See NIGERIAN PARLIAMENTS.*

### **FEDERATION OF RHODESIA AND NYASALAND PARLIAMENT**

*See RHODESIA AND NYASALAND FEDERAL PARLIAMENT.*

## Fees Office

### FEEES OFFICE

Originally an office for the collection of fees on Private Bills, now only a small part of the work of the office, it is responsible for the preparation of the Estimates for the three departments of the House of Commons (Speaker's, Clerk's, and Serjeant-at-Arms'), the control of the expenditure of the grant voted, the payment of members and staff salaries and wages, and the operation of the free travel scheme for Members of Parliament.

### FERRERS, GEORGE, CASE OF

The case which established for the Commons the privilege of immunity from arrest. In 1543 George Ferrers, a member, was arrested for debt while on his way to the House. The Commons sent their Serjeant-at-Arms (q.v.) with the Mace (q.v.) to demand the release of Ferrers, but he was roughly turned away by the Sheriffs of London. The Commons thereupon summoned the Sheriffs, together with the person who had taken legal action against Ferrers, to appear at the Bar of the House. They were committed to prison, and King Henry VIII himself confirmed the action of the Commons in asserting their privilege.

### FIJI LEGISLATIVE COUNCIL

Letters patent of 1937 provide for an Executive and a Legislative Council, the former having 4 *ex-officio* and 4 nominated members and the latter 16 official and 15 unofficial members, 5 European, 5 Indian, and 5 Fijian. Three European and 3 Indian members are elected, the other 2 in each group being nominated, while the Fijian members are chosen by the Governor from a panel of not less than 7 and not more than 10 Fijians submitted by the Council of Chiefs. The Royal Instructions issued with the letters patent make a reservation providing that the Governor shall not assent to any Bill dealing with divorce, currency, banking, tariff preferences, international treaties, or H.M. Forces, nor to any legislation affecting non-Europeans, without the prior consent of the Colonial Secretary of State.

The unofficial members of the Legislative Council form a Standing Committee on Finance, and as this committee usually forms a Select Committee which considers the Appropriation Bill and Estimates before approval by the Council, the unofficial members are thus able to exercise a certain amount of control over expenditure. Self-government in Fiji was increased by the passing of the Fijian Affairs Ordinance in 1944, which gave power to local councils to make orders and provincial councils to make bye-laws, and this local legislation has the force of law when approved by the Secretary for Fijian Affairs. This ordinance also established the Fijian Affairs Board, which makes



regulations, controls provincial revenue and expenditure, and, like the Council of Chiefs, advises Government on questions affecting the Fijian population.

## FILIBUSTERING

The obstruction of business in a legislature by dilatory tactics, such as speaking merely to consume time. The use of the word in this sense is almost confined to the United States, where the late Senator Huey Long spoke for nearly sixteen hours in 1935. He introduced such irrelevancies as recipes for fried oysters and the life of Frederick the Great in a speech alleging an offence by the Executive in placing in high-salaried positions men whose names had not been submitted to the Senate for confirmation. Although Private Members' Bills are often 'talked out' in the House of Commons, the American type of filibustering would not be allowed under Standing Order No. 20, which says: 'Mr. Speaker or the chairman, after having called the attention of the House, or of the committee, to the conduct of a member, who persists in irrelevance, or tedious repetition either of his own arguments, or of the arguments used by other members in debate, may direct him to discontinue his speech.'

## FINANCE ACT

The annual statute which gives legal force to the taxation proposals contained in the Budget (q.v.). It is based upon resolutions of the Committee of Ways and Means which must approve all Budget proposals before legislation can be introduced to give them the force of law. The scope of the Finance Act is not necessarily limited to the imposition and alteration of taxation, however, and it very often includes other provisions of a permanent nature relating to the collection of revenue. As a result it frequently happens that a Finance Bill does not conform to the definition of a Money Bill (q.v.) laid down in the Parliament Acts, 1911 and 1949 (q.v.). When it is desired to bring a Finance Bill within the scope of the statutory definition of a Money Bill it is usual to restrict its provisions to matters of taxation and to embody all other provisions in a separate Bill known as a Revenue Bill.

The debate on the second reading of a Finance Bill is always very wide in scope and the entire financial policy of the Government generally comes under review. It is a Bill, therefore, on which the Commons can expect to spend a considerable amount of time. The Finance Bill of 1909 and the Ways and Means resolutions on which it was based together occupied seventy sitting days, but this was a very exceptional case. Like Consolidated Fund Bills, the Finance Bill is Exempted Business (q.v.), and debate on its various stages is not subject to interruption under the automatic adjournment or Ten o'clock Rule (q.v.).

## Financial Committees

It is not permissible to consider more than one stage of the Bill in any one day.

The Finance Act is an Act to raise revenue on behalf of the Crown and therefore contains a special enacting formula expressing the predominance of the Commons in matters of finance. It differs from that of the Appropriation Act (q.v.) and Consolidated Fund Acts (q.v.), which authorize expenditure, and runs as follows:

Most Gracious Sovereign, We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by th: Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The procedure which is observed when a Finance Bill receives the Royal Assent (q.v.) corresponds to that in respect of Consolidated Fund Bills (*see* APPROPRIATION ACT).

*See also* ACT OF PARLIAMENT.

## FINANCIAL COMMITTEES

*See* COMMITTEE OF PUBLIC ACCOUNTS; SELECT COMMITTEE ON ESTIMATES.

## FINANCIAL MEMORANDUM

A memorandum which, on the recommendation of the Estimates Committee, is required to accompany all Bills involving expenditure. It explains the financial effect of such a Bill, together with an estimate of the amount of money involved.

*See also* EXPLANATORY MEMORANDUM.

## FINANCIAL PRIVILEGE

*See* PRIVILEGE, FINANCIAL.

## FINANCIAL PROCEDURE

*See* PROCEDURE, FINANCIAL

## FINANCIAL RESOLUTION

Whilst it is the function of the Committee of Supply to consider and authorize ordinary annual expenditure as embodied in the Estimates (q.v.), the consideration of new or extraordinary expenditure is the function of a special Committee of the Whole House (q.v.) distinct

## Financial Secretary to the Treasury

from the Committee of Supply. A Bill whose main purpose is to sanction such expenditure is founded upon a financial resolution, which must be passed in Committee of the Whole House and agreed to on report in the House before the Bill itself can be introduced. In the case of a Bill containing expenditure clauses which are incidental to its main purpose, only those particular clauses require preliminary authorization by means of a financial resolution. The clauses themselves are printed in italics, and they cannot be considered at the committee stage of the Bill before the financial resolution has been agreed to. Such resolutions require the Queen's Recommendation (q.v.), the means by which the initiative in financial matters is restricted to the Government. The conduct of debate in a Committee of the Whole House on a financial resolution is similar to that in Committee of Supply except that the ordinary rules of procedure apply to the framing of amendments (q.v.).

The forms of expenditure requiring a preliminary financial resolution of the type described above are exceptional grants (q.v., although these may be presented in the form of Estimates), expenditure in connexion with Bills other than Consolidated Fund Bills, and expenditure for special purposes such as the erection of a monument to a deceased statesman. The procedure adopted in the latter case is to agree in Committee of the Whole House to an Address to the Crown for action involving expenditure with the intimation that 'this House will make good the same'. The Queen's Recommendation is given in answer to the address. If a new item of expenditure is intended to become an annual charge, the Act which gives legislative effect to it is also deemed to authorize its subsequent inclusion in the Estimates.

## FINANCIAL SECRETARY TO THE TREASURY

In the House of Commons the Financial Secretary holds the most important of the junior ministerial posts. He is, under the Chancellor of the Exchequer, the working political chief of the Treasury, and is responsible, under the Leader of the House, and in conjunction with the Parliamentary Secretary to the Treasury (the Chief Whip), for the arrangement of financial business. The Financial Secretary presents the Estimates for the Civil and Revenue Departments and the Vote on Account, answers questions addressed to the Chancellor of the Exchequer, and has many duties in connexion with the Committee of Ways and Means. He is provided with a Private Secretary, who is a member of the Treasury Establishment, and this arrangement enables him to preserve constant touch with the higher officials and to obtain from the permanent staff any information or help that he may require beyond what reaches him in the form of written minutes and memoranda. He is *ex-officio* a member of the Public Accounts Committee, but since 1922 has not attended their meetings because of the increase

## Financial Statement

demands on his time and the fact that the Treasury is already represented on the committee by the Treasury Officers of Accounts at the meetings at which evidence is taken. In 1957 the office was equated to that of a Minister of State and the salary increased from £2,000 to £3,750, in addition to which the holder is entitled to £750 of his parliamentary salary.

## FINANCIAL STATEMENT

*See BUDGET.*

## FINES IN PARLIAMENT

*See ATTENDANCE OF MEMBERS.*

## FIRST LORD OF THE ADMIRALTY

A minister who takes political responsibility for his department. The Navy is administered by the Admiralty Board, which by an Order in Council of 1904 now consists of the First Lord (a civilian), 5 Sea Lords (who are Admirals), the Vice-Chief and the Deputy Chief of Naval Staff, the Permanent Secretary, the Parliamentary and Financial Secretary, and the Civil Lord. The last two are Members of Parliament with salaries of £2,500 a year plus an additional £750 if they sit in the House of Commons. The board is commissioned by letters patent to execute the duties of the Lord High Admiral of the United Kingdom, whose office was abolished in 1708, except in the year 1827-8, when for a short time the Duke of Clarence was Lord High Admiral.

The salary of the First Lord is £5,000 per annum plus an additional £750 if he sits in the House of Commons. He is not normally a member of the Cabinet (q.v.) these days, for since the creation of a Ministry of Defence the service departments have invariably been represented in the Cabinet by the Defence Minister (q.v.).

A chronological list of First Lords of the Admiralty appears as Appendix 8.

## FIRST LORD OF THE TREASURY

This office is now invariably combined with that of Prime Minister (q.v.), whom it places at the head of the most important government department, the Treasury. His departmental duties are, however, apart from patronage, only nominal, as the working head of the Treasury is the Chancellor of the Exchequer. In the 18th and early 19th centuries, before the reform of the Civil Service and the parliamentary franchise, the fact that the First Lord of the Treasury exercised a very extensive patronage over official appointments meant that the Prime Minister, by combining the two offices, could control departmental appointments and was thereby assisted in obtaining a majority for his party in the House of Commons.

## FIRST READING

*See BILL, PASSAGE OF.*

## FLASH VOTING

A system by which votes in a legislature are recorded by means of an electric apparatus. A good example is provided by the West Bengal Assembly, where at each member's seat there is a small box containing three buttons, green for Aye, black for Abstain, and red for No. The votes given in these three categories and the total number of votes are shown on the indicator board on the wall opposite the Speaker's chair. On each side of this board are the lamp fields for members arranged in accordance with the seats. Each member has four lamps, red, green, and white (abstain), and another white lamp for recording his presence in the Chamber. If a secret ballot is required, the Speaker presses a different button to start the voting, and the votes are recorded, but instead of a member's light indicating *how* he voted, only a white light appears to show that he *has* voted.

The advantage of this system of recording divisions is of course the saving of time—in West Bengal it was found that while a regular division through the lobbies took fifteen minutes, voting by the new method took only about three minutes. In one day 37 divisions were called and the voting was completed in about ninety minutes.

## FLOOR OF THE HOUSE

That part of a legislative chamber which is technically 'within the House', i.e., between the Bar of the House (q.v.) and the Speaker's Chair. Debate may not take place outside these limits and a member may only address the House from the Floor. Members are permitted to stand outside the prescribed area and listen to proceedings without participating.

*See also* CROSSING THE FLOOR.

## FOOD MINISTER

The Ministry of Food was formed in 1939 out of a Food (Defence Plans) Department set up in the Board of Trade in 1936. The Government decided in 1945 to make the Ministry a permanent Department of State, and this decision was implemented in 1946 by the Ministers of the Crown (Transfer of Functions) Act, but in 1954 the Ministry of Food was absorbed by the Ministry of Agriculture and Fisheries. The Minister was responsible for food supplies and their rationing when necessary, and he took over from the Minister of Health and the Minister of Agriculture various functions under the Food and Drugs Acts. A Minister of Food was appointed in 1917 and the department was abolished in 1921, the Ministers being Lord Devonport, Lord Rhondda, J. R. Clynes, G. H. Roberts, and C. A. McCurdy.

## Foreign Secretary

Ministers appointed during the second life of the Ministry from 1940 were Lord Woolton, Col. J. J. Llewellyn (afterwards Lord Llewellyn), Sir Benjamin Smith, John Strachey, Maurice Webb, Major Lloyd George, and Derick Heathcoat Amory.

## FOREIGN SECRETARY

When the work of the two Secretaries of State (q.v.) was reallocated in 1782, the Secretary for the Northern Department became the Secretary of State for Foreign Affairs. He is concerned with the formulation and conduct of foreign policy and is responsible for the Foreign Service, which was the title given to the amalgamation of the diplomatic and consular services in 1943. The Foreign Secretary also maintains direct contact with the diplomatic representatives of foreign governments and with the British diplomatic representatives in foreign states. He is assisted by two Parliamentary Under-Secretaries of State, with salaries of £2,500, and two Ministers of State (q.v.).

This Minister is invariably in the Cabinet and his salary is £5,000 per annum. He and his junior ministers are entitled to a further £750 if they sit in the House of Commons.

A chronological list of Foreign Secretaries appears as Appendix 17.

In the other Commonwealth countries the parallel office to that of Foreign Secretary is Minister for External Affairs, except in Pakistan where it is called Foreign Affairs and Commonwealth Relations. In Canada this Minister is known as the Secretary of State for External Affairs.

## FOURTH CLERK-AT-THE-TABLE

A senior officer of the House of Commons, first appointed in 1952, who is charged with the special duty of conducting liaison between the House of Commons and the Clerks of overseas Parliaments. Co-operation between the Mother of Parliaments and her overseas progeny has always been encouraged. It is the practice for overseas Clerks to visit the House of Commons on periods of attachment to the various offices, and for officers from Westminster to visit overseas Parliaments to offer advice and assistance in such matters as the drafting of Standing Orders. The younger legislatures of the Commonwealth have thus been able to benefit from the accumulated experience of the oldest Parliament in the world.

This work, however, placed a heavy additional burden upon the existing staff of the Clerk's Department. It was therefore decided to appoint a Fourth Clerk-at-the-Table who would couple his parliamentary duties with liaison work, for it was obvious that the official must be both free to travel and able to acquire the necessary experience at the Table of the House itself. The Fourth Clerk sits at the Table at all convenient times, and his special duties include travelling overseas

when asked to assist legislatures in the Commonwealth (at the expense of the Parliament inviting him), arranging the attachment of Clerks from overseas, representing the Clerk of the House on committees dealing with courses for overseas Speakers and legislators, and assisting in drafting or redrafting the Standing Orders of overseas legislatures.

## FRANCHISE

In the United Kingdom the franchise is enjoyed by all British subjects and citizens of the Republic of Ireland who have reached the age of twenty-one, the only other qualification required being one of residence. A person must be registered as an elector for the electoral district in which he or she resides in order to exercise the right to vote. Each elector has one vote, plural voting (i.e., the exercise of a business or a university vote in addition to a residential vote) having been abolished by the Representation of the People Act, 1948. A British or Irish adult is entitled to be registered as an elector if he or she is resident in any constituency upon a 'qualifying date'. The Act of 1948 substituted a 'qualifying date' for the 'qualifying period' which had applied previously, although an exception was made in the case of Northern Ireland. In order to prevent citizens of Eire from influencing an election by obtaining the franchise merely by establishing residence in Northern Ireland on a qualifying date, the qualifying period has been retained, and continuous residence for a period of three months is a condition of eligibility.

Apart from minors and aliens, persons falling into the following categories are also ineligible for the franchise:

*Peers.* Peers are prohibited by the common law of Parliament from voting at a parliamentary election although they appear to be under no statutory prohibition. An Irish peer who has been elected to the House of Commons is entitled to the vote during the period of his membership, but under these circumstances he loses his privileges as a peer. A peeress may vote in her own right.

*Persons of unsound mind.* A certified lunatic is automatically disqualified, but other such persons may vote during lucid intervals.

*Felons.* A person sentenced for treason or felony to a term of imprisonment exceeding twelve months is disqualified until the sentence has been served or a free pardon granted.

*Persons convicted of corrupt or illegal practices.* A person convicted on indictment of corrupt or illegal practices in connexion with elections is ineligible to vote for five years from the date of conviction.

There are certain variations to be noted in the electoral systems of the other countries of the Commonwealth. In most of them the principle of universal adult suffrage is observed (South Africa being the notable exception) subject to the usual reservations with regard to minors, aliens, lunatics, and criminals.

## Franchise

*Canada.* Canadian citizens of both sexes who have been ordinarily resident in Canada for twelve months preceding the election are entitled to vote. Certain persons are disqualified, including the Chief and Assistant Chief Electoral Officers, the Returning Officer in each district (who is, however, permitted a casting vote should the occasion arise), every judge appointed by the Governor-in-Council, and Indians residing on a reservation who have not served in the armed forces. For provincial elections the franchise is controlled by the individual Provinces.

*Australia.* All persons who have lived in Australia for six months continuously and who are natural born or naturalized subjects of the Queen are entitled to vote, with the exception of aboriginal natives of Australia, Africa, and the islands of the Pacific excluding New Zealand. Voting is compulsory. The individual States control the franchise in respect of state elections.

*New Zealand.* All Europeans other than aliens who have been resident in New Zealand for one year and in an electoral district for three months, and all Maoris who have resided in any of the four Maori electoral districts for three months, are entitled to the franchise. There are separate electoral rolls for both races, a person of mixed race having the right to decide whether to register as a European or a Maori. Registration, but not voting, is compulsory. New Zealand enjoys the distinction of being the first British country to confer the vote upon women. Women were enfranchised in 1893.

*South Africa.* Every European is entitled to the vote provided he or she is a Union National. Union nationality may be acquired after a period of five years' residence in the Union or South-West Africa. Until 1956 a male non-European person other than a native who was resident in the Cape Province and a Union National could be registered on the common voters' roll subject to very low income and literacy qualifications. The persons thus enfranchised were mainly those of mixed race, known in the Union as 'coloured' persons. They were removed on to a separate roll by an Act of 1956 after a constitutional battle lasting five years. At the next election they will vote for 4 special European representatives. A male non-European person other than a native who is resident in Natal and is a Union National is entitled to the vote provided he owns immovable property to the value of £50 or receives rentals from property of not less than £10 a year or, alternatively, an income of £96 a year, and has resided in the Union or South-West Africa for periods aggregating three years. The persons thus affected are mainly of Indian origin. In the Transvaal and the Orange Free State the franchise is confined to Europeans. Until 1931 the franchise in the four Provinces remained as it was in 1910 at the Act of Union, except for the enfranchisement of European women in 1930. Under the Representation of Natives Act, 1936, the native voters of the Cape



## Freedom from Arrest

Province were removed from the general roll and placed upon a special Cape Native Voters' roll. They are entitled to elect three European members to the Union House of Assembly.

*India.* All Indian citizens are eligible to vote. Referring to universal adult suffrage in India in his book, *The Constitution of India*, G. N. Joshi writes: 'Its importance and significance can be easily appreciated when it is remembered that under the Constitution Act of 1935 hardly 14 per cent of the population was enfranchised, while under this Constitution more than 50 per cent of the population is enfranchised. When it is also remembered that 85 per cent of the population is illiterate, its significance is further emphasised. Reliance on the sound common sense of the masses is the basis of this great liberal step. It is a bold and hazardous experiment in a country where democracy is not yet firmly rooted in the soil.'

*Ceylon.* Since 1949 the franchise has been based on citizenship and residence, adults of both sexes being eligible. The property and literacy qualifications which were required before Ceylon gained independence no longer apply.

*Pakistan.* Although Pakistan had not then framed its Constitution, universal adult suffrage was one of the interim measures adopted when the country gained its independence.

(For the history of the franchise see REPRESENTATION.)

## FRANKING PRIVILEGES

In 1660 Members of Parliament were given the privilege of sending their letters post free by signing their names on the cover. When the postage on a letter was 10d. to 1s. 6d. this privilege was sometimes abused by members signing packets of covers for their friends, and by 1837 nearly seven and a half million letters so franked were sent out during the year, involving the Post Office in a loss of over one million pounds. Members did not confine their franking privilege to letters. Furniture, and even a pack of hounds, were held to be covered by it, while an Irish member franked his wife and family on a holiday from Galway to Dublin and back. At the end of the 18th century the daily allowance to members of both Houses was limited to ten letters sent by a member and fifteen received by him with postage to pay. Franking was abolished on the introduction of the penny post in 1840, but in these days a member has such a heavy volume of correspondence that there has been some agitation for the revival of the privilege. Members may send letters to government departments post free by marking them 'O.H.M.S.'

## FREEDOM FROM ARREST

See PRIVILEGE.

## **Freedom of Access to the Sovereign**

### **FREEDOM OF ACCESS TO THE SOVEREIGN**

*See* PRIVILEGE.

### **FREEDOM OF SPEECH**

*See* PRIVILEGE.

### **FRONT BENCHES**

In the House of Commons and other Commonwealth Parliaments where applicable, the Front Bench as far as the centre gangway on the Government side (to the right of the Speaker) is occupied by ministers and other members of the Government. This is sometimes referred to as the 'Treasury' Bench. On the other Front Bench sit the Leaders of the Opposition—the 'shadow cabinet'. In Newfoundland the Government side is to the left of the Speaker.

### **FUEL AND POWER, MINISTER OF**

*See* POWER, MINISTER OF.

# G

## GAMBIA LEGISLATIVE COUNCIL

The Gambia (Constitution) Order in Council, 1954, which came into operation on 8 September 1954, marks a considerable advance in responsible government in the Gambia. It established a Legislative Council consisting of the Governor, a Speaker appointed by the Governor, 4 *ex-officio* members, 1 nominated official and 2 nominated unofficial members, 4 elected members to represent the Colony and 7 to represent the Protectorate, and 3 other elected members. The new legislature, which has a life of five years, will be the first to have an elected, as distinct from an unofficial, majority. It has the usual legislative powers, subject to the Governor's reserve powers. The first session was opened on 14 December 1954. The Executive Council, which now has an unofficial majority, consists of 4 *ex-officio* members, 1 official member, and 7 unofficial members. The new Constitution also provides for the appointment of Ministers by the Governor after consultation with members of the Legislative Council. They are selected from among the unofficial members of the Executive Council.

## GENERAL ELECTIONS

See ELECTIONS.

## GENTLEMAN USHER OF THE BLACK ROD

The Gentleman Usher of the Black Rod is an officer of the House of Lords whose parliamentary appointment dates from the reign of Henry VIII. By the constitution of that Sovereign he was to be chief of all the Ushers of the Kingdom and have care and custody of all the doors of the 'High Court called the Parliament'. Since that time he has been appointed from time to time by letters patent conferring upon him all the 'privileges, fees, etc., rights and liberties whatsoever now or heretofore belonging or appertaining to the Usher of the Black Rod as one of the Officers of the Garter'. The ancient decree establishing the office says it must be filled by 'a gentleman famous in arms and in blood'. Therefore it is traditionally bestowed on retired naval or military officers. The official dress of the Gentleman Usher of the Black Rod is a black cut-away tunic, knee-breeches, silk stockings, silver-buckled shoes, a sword, and a cocked hat carried under the left arm. He is so called because of the short

## George I (1660–1727) and Parliament

ebony rod of office surmounted by a golden lion rampant which he carries in his right hand. His present salary is £2,000.

When Parliament is not sitting the Palace of Westminster is in the custody of the Lord Great Chamberlain, who is an hereditary Great Officer of State receiving no salary and in no way under the control of the House. When Parliament is sitting, each House has the custody and service of the part of the building assigned to it, and this control is exercised in the House of Lords through the Gentleman Usher of the Black Rod. He or his deputy, the Yeoman Usher, is present whenever the House sits, and he controls the admission of strangers. If occasion were to arise he is the officer responsible for the commitment of parties guilty of breach of privilege or contempt. He also assists at the introduction of peers.

It is the Gentleman Usher of the Black Rod who, in accordance with ancient custom, is sent to desire the attendance of the Commons in the House of Lords at the Opening and Proroguing of Parliament and when the Royal Assent is given to Bills. On every such occasion the ancient ceremony is repeated of barring the door of the Commons Chamber in his face until he has rapped three times with his ebony rod, in which a sovereign is embedded. The practice dates from the stormy period of English constitutional history when the Commons often dreaded interruption, particularly from a Royal Messenger, in which capacity Black Rod comes, and it is intended to demonstrate the right of the Commons to close their door and deliberations against all comers if they so wish. When the door of the House of Commons is opened to admit him an Usher precedes him to the Bar and cries: 'Black Rod!' Whatever business the Commons may be engaged in is at once interrupted. The Speaker rises to receive the message from the Sovereign but the members retain their seats. Black Rod slowly advances to the Table and during his progress bows three times to the Chair. On reaching the Table he says: 'The Lords Commissioners desire the immediate attendance of this honourable House in the House of Peers'. When the Sovereign is present in person in the House of Lords the message runs: 'The Queen commands this honourable House to attend Her Majesty immediately in the House of Peers.' Having delivered the message Black Rod retires backwards to the Bar, bowing as he goes, where he awaits the Speaker and escorts him, followed by the ministers and other members of the Commons, to the House of Lords.

## GEORGE I (1660–1727) AND PARLIAMENT

King George I was proclaimed in his absence on 1 August 1714, the day of the death of Queen Anne. Whatever his personal failings may have been, George was in every respect a constitutional monarch who, unlike so many of his predecessors, observed the rights and

## George I (1680-1727) and Parliament

liberties of the people and refrained throughout his reign from infringing the privileges of Parliament. His first action upon coming to the throne was to dismiss Bolingbroke, who had favoured a Stuart restoration, from the office of chief minister, and to appoint a new Whig administration headed by Townshend, Stanhope, and Walpole. He created an important precedent in government by forming his great officers of state into a Sovereign's council, a body which has developed into the Cabinet (q.v.) of the present day. Parliament readily voted £700,000 for the Civil List, thus continuing the income which the Crown had enjoyed during the previous reign, and on 31 January 1715 Parliament was dissolved, having continued the statutory six months beyond the death of the former Sovereign.

The political sympathies of the King were revealed early in his reign, and at the ensuing elections he threw all the influence he could command on to the side of the Whigs, who won a decisive victory. From these elections, the first of the reign of the first Hanoverian monarch, dated a long period of Whig ascendancy. The new Parliament met on 17 March and the King's speech was read by the Lord Chancellor, His Majesty being unable to speak English. The speech promised to uphold the Constitution and the established Church and criticized the Peace of Utrecht. The latter was roundly condemned in subsequent debates in both Houses of Parliament, and a committee was appointed by the government to investigate the activities of the previous ministry which had conducted the peace negotiations. As a result of the committee's findings, Oxford and Bolingbroke, the leaders of the previous administration, were impeached of high treason. The latter fled the country (although he was permitted to return some years later) but the proceedings against Oxford were subsequently dropped.

In anticipation of a Jacobite rising Parliament passed the Riot Act in the session of 1715. A rising was, in fact, attempted during that year but was easily suppressed and its leaders were executed. In view of the state of public agitation which prevailed, the government decided to introduce the Septennial Act, feeling their position too insecure to risk the elections required under the Triennial Act of 1694. Although it met with heated opposition, the Bill passed both Houses by large majorities. To enable the King to go abroad, Parliament in 1716 repealed without opposition one of the clauses of the Act of Settlement (q.v.). Ministerial changes also took place at this time as a result of Townshend having lost the King's favour. Stanhope was appointed chief minister and Townshend, Walpole, and Pulteney resigned in consequence.

In 1717 Convocation was prorogued by the Government as a result of violent disputes precipitated by the Low Church Bishop Hoadly of Bangor. Hoadly, the author of a famous tract against the non-jurors,

## George I (1660-1727) and Parliament

was supported by both the King and his ministers but condemned by a majority in Convocation, which was not again summoned until 1852. In 1718 the Schism Act and the Occasional Conformity Act were both repealed. The most important measure of the 1719 session was the Peerage Bill, which was rejected by the Commons by a substantial majority. Its purpose was to deprive the King of his prerogative of unlimited creation of peers, and was designed to prevent the son of George I, in the event of his succeeding his father, from overthrowing the Whig administration by the creation of sufficient Tory peers. The King, who was antagonistic to his son, was only too ready to relinquish his prerogative and substantial inducements were offered to the Commons in order to secure the passage of the measure, but to no effect. The proposal was unquestionably unconstitutional, aimed as it was at establishing a permanent majority in the House of Lords for the Stanhope ministry, and if carried it would have turned the upper House into 'an almost unchangeable body, entirely beyond the control of King, or Minister or Commons' (Lecky). Amongst legislation passed during the session of 1719 was a Bill enabling the Parliament at Westminster to legislate for Ireland, a measure which was to remain in force until 1782.

In 1720 the nation was rocked by the collapse of the disastrous South Sea scheme, a catastrophe from which Walpole was able to snatch a personal triumph. The shock of the South Sea Bubble proved fatal to Stanhope, who died from a heart attack brought on whilst delivering a passionate reply in the House of Lords to the Duke of Wharton's attack upon himself and his administration. Aislabie, the Chancellor of the Exchequer, was expelled from the House of Commons and committed to the Tower for bribery and corruption in connexion with the South Sea scheme. Sunderland, although declared innocent of any corrupt activities, became so unpopular that he was compelled to resign. In the midst of the chaos Walpole took office as First Lord of the Treasury and Chancellor of the Exchequer, and through his great financial ability he restored the public credit. Thus in 1721 Britain's first Prime Minister, as he became in fact if not in name, began the phenomenal rise which was to place him for twenty-one years at the head of the administration. The King reposed such great confidence in Walpole that he withdrew from Cabinet meetings, where he was in any case severely handicapped through his inability to speak the English language, and left his chief minister to preside over the Sovereign's council. To preside over the Cabinet is to-day an automatic function of the Prime Minister.

Further Jacobite agitation occurred in 1722, and the House of Commons, incensed by the conspiratorial activities of the Pretender's supporters, exceeded the limits of parliamentary privilege by committing to prison the proprietor of a Jacobite newspaper for an alleged

libel. There was no question of any breach of privilege or contempt of Parliament having been committed, and in arrogating to itself the right to punish a purely political offender the House of Commons gravely overstepped the bounds of its authority.

In 1725 the Lord Chancellor, the Earl of Macclesfield, was impeached on charges of corruption and judgment was given against him after a trial lasting some twenty days. During the same year, difficulties arose in the realm of foreign affairs resulting from a treaty concluded between Austria and Spain. Hostilities were begun which dragged over the next two years, and shortly after peace was concluded the King died suddenly whilst returning to England from Hanover on 9 June 1727. George I's great virtue as a ruler was his moderation, but he failed to endear himself to the nation, to which he was very much an alien. He never troubled to learn the language and his frequent visits to Germany tended to make him unpopular in England. His German mistresses, together with the other foreigners he introduced into his Court, were notorious for their corruption and resented by the people. The King himself had no personal graces to help him win the popular affection. But it can be said that the national institutions were effectively safeguarded under his rule, and the Constitution and the Church were never threatened as they had been so often in the past.

## GEORGE II (1683-1760) AND PARLIAMENT

The second monarch of the Hanoverian dynasty succeeded to the British throne on the death of his father, 9 June 1727. He immediately named Sir Spencer Compton as his Prime Minister, but the influence of Walpole was such that Compton declined to form a Government. On the advice of Queen Caroline, the King agreed that Walpole should continue in office, and one of the chief minister's first acts of the new reign was to persuade Parliament to increase the Civil List by the substantial figure of £130,000 to the unprecedented sum of £830,000. Before being dissolved Parliament passed the first annual Bill of Indemnity for failure to observe the Test and Corporation Acts.

The first elections of the reign returned a great majority for the Government to the House of Commons, and Parliament was opened on 11 January 1728. Arthur Onslow (q.v.), the greatest and most famous occupant of the Chair of the House of Commons, was unanimously elected Speaker. With its huge majority the Government had no difficulty in carrying its proposals, and although Pulteney, for the Opposition, strenuously attacked Walpole on various issues, Parliament on the whole was remarkably docile.

The reporting of parliamentary debates became a major issue at this period. Parliament had always regarded the reporting of its proceedings as a flagrant breach of privilege, but the popular demand for information on the activities of the nation's legislators had induced certain

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publishers to issue surreptitious reports for public consumption. In 1728 the publisher Edward Cave was summoned to the Bar of the House of Commons, confined for several days, and rebuked for suffering reports of parliamentary proceedings to appear in the *Gloucester Journal*. The following year Cave's friend Robert Raikes was censured for the same offence. On this occasion the House of Commons unanimously resolved that the publication of its debates and proceedings was a breach of privilege and that offenders would be proceeded against with the utmost severity. The forbidden reports continued to be compiled, however, and appeared in the *Gentleman's Magazine*, started by Cave in 1731, and in the *London Magazine*, which was started shortly afterwards. The matter reached a climax in 1738 when an important debate took place in the House of Commons at the instigation of Speaker Onslow. The debate showed that, far from moderating its views on the subject, the attitude of the House had, if anything, stiffened. Both Walpole and Pulteney roundly condemned the practice of reporting parliamentary debates, and amongst all the members, Sir William Wyndham, a leading Tory, was alone in supporting the right of the public to know more of what went on inside Parliament. The debate concluded with the unanimous resolution 'That it is a high indignity to, and a notorious breach of the privileges of, this House to print the debates or other proceedings of the House, as well during the recess as the sitting of Parliament, and that this House will proceed with the utmost severity against such offenders.' Far from being discontinued, however, the practice became even more widespread. (For further details see HANSARD and PRESS AND PARLIAMENT.)

In 1729 was concluded the Treaty of Seville, a defensive alliance between England, France, Spain, and subsequently Holland, in the negotiation of which William Stanhope was largely instrumental. Britain's difficulties with Spain were to a great extent adjusted by the treaty, but it greatly displeased the Austrian Emperor as it alienated both England and Spain from the Emperor and represented a diplomatic triumph for France. Gibraltar had proved a controversial issue in Anglo-Spanish relations, and the Government was known to have considered the cession of the territory in return for a satisfactory equivalent. Public opinion was strongly opposed to cession and parliamentary debates on the subject were frequent and heated. As the Treaty of Seville made no mention of Gibraltar, Spain was considered to have renounced her claims. In view of the treaty the Emperor realized the necessity of strengthening his own position, and in 1731 he concluded the second Treaty of Vienna with England, Spain, and Holland. Under it, England guaranteed the Pragmatic Sanction, which secured the hereditary succession of the states of Austria in the female line, thus enabling Maria Theresa to succeed her father, Charles VI.

In 1730 the final breach occurred between Walpole and Townshend.



They had frequently quarrelled, the former's jealousy of personal power causing him to resent bitterly any suggestion of rivalry. The friction between the two ministers was brought to a head by the Pension Bill, a measure which sought to disqualify the recipients of pensions from sitting in Parliament. The Government was opposed to the Bill, but it was strongly supported in the House of Commons where Walpole allowed it to pass, leaving Townshend to incur the unpopularity for its rejection by the Lords. This issue precipitated a violent quarrel between the two ministers, which resulted in Townshend's resignation from the Government in the realization that the influence of his colleague was too powerful for him. Instead of joining forces with the Opposition Townshend retired altogether from public life. He was succeeded as Secretary of State by Stanhope, who had been created Lord Harrington. In the same year Carteret resigned the office of Lord-Lieutenant of Ireland to join the Opposition, and become one of Walpole's chief opponents.

The year 1733 was notable for two of Walpole's most important financial schemes. The first was a proposal to apply money from the Sinking Fund, a fund which should properly have been reserved for the discharging of debts, to purposes of expenditure. The scheme was opposed by Pulteney and others, and the precedent set proved to be a bad one as it led eventually to the total absorption of the Sinking Fund. In consequence the country's debts were never diminished until the Sinking Fund was restored and reorganized by the younger Pitt. The proposal was carried mainly because Walpole threatened a land tax if it was rejected. The second of Walpole's measures was his famous excise scheme. It was eventually abandoned by its author in order to avert what would have amounted to a riot had it been pushed through. Although Walpole justified his scheme in a masterly speech in which he gave illustrations of the type of tax evasions which had lately been practised and which the scheme would have frustrated, excise duties were so thoroughly detested in the country that he failed to convince his opponents of the merits of the proposal.

The elections of 1734 returned Walpole's party to power but with a considerably reduced majority. The session of 1735 was a barren one from the point of view of legislation, but the 1736 session was notable for a number of measures, including a Gin Act, which sought to reduce drunkenness by the imposition of a prohibitive duty, the repeal of the inhuman Witchcraft Act, a measure for the better lighting of the streets of London which had suffered severely through lawlessness, and a Mortmain Act. A Bill for the relief of Quakers passed the Commons with the support of Walpole but was rejected in the Lords. It was at this period that Walpole lost the support of the Dissenters, who for a long time had looked to him for the removal of the legal disabilities under which they suffered. When asked point-blank when the time of

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the Dissenters' emancipation was to come, Walpole alienated himself from them with his one-word answer, 'Never!' To do him justice, Walpole in actual fact had considerable sympathy for the Dissenters, as was shown by his support for the Quakers' Bill. But in openly championing their cause he felt he would be embarking upon a hopeless struggle, and he was particularly anxious to avoid offending the Church.

The Porteous riots in Edinburgh in 1736 led to the introduction of a vindictive measure in 1737 providing for, amongst other punitive action, the abolition of the city's charter. So fierce was the opposition to the Bill, however, that when it was eventually passed it had been stripped of its worst features and merely disabled the Provost from holding any public office in the future. Walpole's famous Playhouse Bill, which was supported by the Opposition, was also introduced in 1737. It was strongly opposed by Lord Chesterfield, who delivered one of his most brilliant speeches in condemning it, predicting that it would prove to be the ruin of liberty. The scandal and indecency which were paraded before the public on the stage cried out for some form of censorship, however, and the majority of members of all parties were united in support of the measure. The Lord Chamberlain retains his powers under the Act to this day, and it can unreservedly be stated that Lord Chesterfield's fears have proved unfounded.

The opposition to Walpole's policies and to the minister personally had by now grown very strong. The Prince of Wales threw all the weight of his influence against the Prime Minister, and the Opposition was headed by a group of the Prince's closest associates, including Pulteney, Carteret, Chesterfield, Bubb Dodington, the Grenvilles, and the rising William Pitt, who were collectively known as the Leicester House Party. Early in 1737 the Prince came to an open rupture with his father in the matter of his income, which he demanded should be fixed by Parliament. In the House of Commons Pulteney moved that the King should be petitioned to settle an annual income of £100,000 upon the Prince. Walpole replied that he was authorized to offer only £50,000 together with the revenues of the Duchy of Cornwall. In the subsequent division Walpole secured a majority of only 30. A similar motion in the Lords by Carteret was rejected by a much larger majority. After failing to get his own way in the matter of his income the Prince of Wales proceeded to widen the breach between himself and his parents still further by removing his wife, Augusta of Saxe-Coburg, who was in the throes of childbirth, to the Palace of St. James's, which had been standing empty and unaided. The action was callous in the extreme, and the King never forgave his son. When Queen Caroline, shortly afterwards, was on her deathbed, the Prince implored to be allowed to see her but the King curtly refused the request and the Queen herself expressed no wish to see her son.

Walpole's policy of peace was particularly unpopular with the

Opposition, and when he concluded a convention with Spain strong voices were raised against him. The English and Spanish governments were entitled by treaty to search each other's ships, and many were the complaints lodged by British merchants against the alleged abuses of this right on the part of the Spaniards. The case of 'Jenkins's ear' (Jenkins was the master of a trading vessel who asserted that his ear had been torn off by Spaniards searching his ship) enflamed the public indignation, and much was made of the incident by the forces opposing Walpole. Nevertheless the convention was approved in both Houses, although by very small majorities. In the Commons the most vehement speech for the Opposition came from Pitt, who was rapidly coming to the fore as a leading opponent of Walpole. In the Lords an address was carried to the Crown complaining of Spanish atrocities. Feeling against Spain ran very high. The King himself favoured going to war, and even one of Walpole's own colleagues, the Duke of Newcastle, shared the King's view and secretly intrigued against the Prime Minister. It was thus in a most dangerous and difficult atmosphere that Walpole fought hard to maintain peace. As a result of the unpopular ministerial victory the Opposition took the extraordinary course of seceding from the House of Commons in a body. Wyndham, in taking his leave of the House, spoke so strongly that Pelham rose to move his committal to the Tower, but Walpole interposed and sought instead to hold his opponents up to ridicule, remarking that his only fear was that they would fail to be as good as their word and would return, as indeed they did. During the absence of the Opposition the Government carried all its measures without difficulty, but the mood of the country was such that Walpole realized that he must either declare war on Spain or be forced to resign. Against his own better judgment he yielded to the wishes of the King and the nation, and in 1739 England went to war with Spain. It was a disastrous war for England and proved to be a vindication of Walpole's foreign policy.

By this time Walpole's power was unquestionably on the decline. Government measures continued to be carried, but by steadily diminishing majorities, and there were many who sought to blame him for all the nation's misfortunes. His time had not yet come, however, and an attempt to overthrow him in 1741 proved unsuccessful. In this year a motion was introduced in the Commons for Walpole's dismissal on various grounds, including his conduct of the war. Fierce attacks were delivered against the Prime Minister by Pitt and Pulteney, and able speeches were made in his defence by Pelham and Fox. But it was his own powerful speech which was largely instrumental in saving the day for Walpole. The motion against him in the Commons was rejected by a large majority, and a similar motion by Carteret in the Lords was also lost. But although temporarily reprieved, Walpole's fall was not to be long delayed.

## George II (1688-1760) and Parliament

The elections of 1741 returned a Government majority of only 16 to the House of Commons. Parliament was opened on 1 December and Walpole's first defeat occurred when the Opposition secured the election of their candidate as Chairman of Ways and Means. There followed a succession of acrimonious debates on the election petitions, which at that time were regarded as purely party issues and were heard and decided in Committee of the Whole House. It was on the Chippenham election petition that Walpole was finally overthrown, but before this occurred he survived another powerful attack upon himself and his administration. In January 1742, Pulteney moved that certain papers relating to the war should be referred to a Secret Committee. The debate developed into a bitter battle during which it emerged that the real intention of the Opposition was to bring accusations against the Prime Minister. In a speech which was a masterpiece of invective Walpole lashed his opponents and ridiculed their charges. Yet he was able to muster a majority of only three.

Walpole's defeat on the Chippenham election petition is a typical illustration of how, in politics, great men can be brought down on trivial issues. In the final decision on the petition he was defeated by 16 votes and he immediately resigned all his offices. He was shortly afterwards created Earl of Orford with a pension of £4,000 a year, much to the resentment of his enemies. On tendering his resignation he advised the King to send for Pulteney, who declined office on account of a condition that no charges should be pressed against Walpole. Lord Wilmington was then invited to form a Government. His administration included Carteret, who swiftly became its virtual leader, Newcastle, Hardwicke, Pelham, and Grafton. Pulteney entered the Cabinet but without office, and his elevation to the Lords shortly afterwards lost him much of his influence. One of the first acts of the new administration was the prosecution of Walpole and a Secret Committee was appointed to inquire into Walpole's administration for the past twenty years. It failed to substantiate any major charges against the former Prime Minister although the committee itself was riddled with prejudice against him. He was spared the further triumph of his foes and in 1745, three years after his fall, he died. A great and shrewd statesman, Walpole served the best interests of his country for twenty critical years. To his discredit it has been said that he lowered the tone of public life and descended to corruption in order to gratify his lust for power, but it is for his ability and his services to the nation that he is best remembered.

In 1743 Parliament passed the Place Bill, which disqualified the holders of certain offices from sitting in Parliament. In the same session the Gin Act, which had never been successful, was repealed and a modified measure passed in its stead. Lord Wilmington died in July and Henry Pelham was appointed First Lord of the Treasury in his

place. The following year Pelham headed the so-called Broad-bottom Administration which was formed after the resignation of Carteret, now Earl Granville, as Secretary of State. Granville regarded Pelham with extreme contempt and his obstructive tactics had caused the Government considerable embarrassment. He was popular with the King on account of his unqualified support of all measures in the Hanoverian interest, but he became increasingly unpopular with Parliament and the people as a result. The time came when the King was reluctantly compelled to choose between Granville and Pelham, and he was obliged to accept the former's resignation. The Broad-bottom Administration received the support of all parties and for some years the Opposition was reduced to insignificance. Two developments had taken place which united all factions, with the exception of the extreme Tories. The first was the war with France over the question of the Austrian succession into which Pelham had been compelled to lead the country, and the second was the renewed activities of the Jacobites. Heavy supplies were voted to meet the emergency and the Habeas Corpus Act was suspended for two months. In May 1745, the English sustained a defeat at the hands of the French at Fontenoy, and this reverse gave heart to the Jacobites and encouraged the famous rebellion in Scotland. On 25 July the Young Pretender landed in Scotland and was joined by Lochiel and other Highland chiefs. He defeated an English army at Prestonpans and then invaded England. He took Carlisle and advanced as far as Derby, after which he was compelled to retreat northwards. He reached Glasgow and was victorious at Falkirk, but he was finally overwhelmed and defeated at Culloden. Although the Pretender escaped, Culloden had sealed the fate of the Jacobite cause. The rising was followed by severe punitive measures against the Highlanders.

At the height of the rebellion a ministerial crisis occurred as a result of the King refusing to admit Pitt to office. Pelham resigned and Granville was called upon to form a Government. When he failed to do so the previous ministers were recalled and the King was forced to give way and accept Pitt.

In 1748 the Treaty of Aix-la-Chapelle brought the war to an end. The French King agreed to recognize Maria Theresa as Empress of Austria and to exclude the Pretender from France. The treaty was followed by some important legislation. Subsidies were voted on behalf of the Empress and the German princes, and the annual Mutiny Act was amended by the addition of a clause subjecting all half-pay officers and men at home to martial law. The latter measure provoked violent controversy, and the Government was forced to abandon a similar amendment to the Marine Mutiny Act, thus causing a glaring inconsistency between the two services. The session of 1749 was also notable for a financial scheme devised by Pelham for reducing the

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interest on the National Debt, and a Bill for the protection of shipwrecked vessels which made the plunder of ships in distress a capital offence.

On 20 March 1751 the Prince of Wales died, and a Regency Act was passed appointing a council of regency, with the Princess of Wales as regent should the King die before the heir apparent should come of age. The chief measure of the 1751 session was the reform of the calendar according to a scheme drawn up by Lord Chesterfield and others. The new style of calendar was adopted under which the legal year would begin on 1 January instead of 25 March.

A curious incident occurred during the session of 1751 which did not redound to the credit of the House of Commons. A certain Alexander Murray was summoned to the Bar of the House to receive sentence for an alleged offence arising out of a disputed election. On being ordered to kneel down as the custom required, Murray steadfastly refused, protesting that he knelt only to God. The entry recorded in the Journal of the House of Commons relative to the episode reveals the deep displeasure of the House at Murray's behaviour:

Resolved, That it having been resolved by this House that the said Alexander Murray should receive, upon his Knees, at the Bar of this House, the said Sentence of this House against him; and he having, in a most insolent and audacious Manner, at the Bar of this House, absolutely refused to be upon his Knees, as required by the said Resolution, is guilty of a high and most dangerous Contempt of the Authority and Privilege of this House.

The House ordered that Murray should be committed a close prisoner to Newgate, should be denied the use of pen, ink, and paper, and that no person should be permitted to have access to him. Murray's case aroused much public sympathy for the victim and led to the suppression of the humiliating custom. In 1772 it was abolished by Standing Order.

Several important measures became law in the session of 1753. The Marriage Act framed by Lord Hardwicke had as its object the prevention of clandestine marriages. Although it put an end to a great deal of abuse it was gravely resented by the Dissenters as it provided that, with the exception of Jewish and Quaker marriages, no marriage should be valid unless solemnized according to certain formalities by an Anglican clergyman. The Jews' Naturalization Bill, a magnanimous measure, passed both Houses but was so vehemently opposed in the country that the Government was forced to repeal it the following year. A great event of the year was the founding of the British Museum, the funds for which were raised by means of lotteries under an Act of Parliament.

In 1754 the Government sustained a great loss through the death of Pelham. When the King heard the news he is said to have exclaimed,

'Now I shall have no more peace!', and the next few years of inefficient administration justified the prophesy. The Duke of Newcastle became the head of the Government and formed an administration largely drawn from the peerage. Pitt was later offered a seat in the Cabinet on the condition of his supporting the Government, but he declined and was dismissed from the office of Paymaster of the Forces. Shortly afterwards Fox became Secretary of State and leader of the House of Commons. When Parliament resumed in November, 1755, one of the longest debates on record took place in the House of Commons on the subsidy treaties with Russia and Hesse. On this occasion the Member for Petersfield, William Gerard Hamilton, delivered the brilliant oration which earned for him the nickname of Single Speech Hamilton. A powerful speech against the Government was contributed by Pitt, who struck particularly at the coalition between Newcastle and Fox. The coalition was soon to be broken, however. In 1756 England entered into an alliance with Prussia and went to war with France over the rival ambitions of the two countries in India and North America. The Seven Years War began in Europe, and in the midst of these grave developments a ministerial crisis was precipitated at home. Fox broke with Newcastle, who was compelled to resign office, and Pitt's great opportunity had arrived. The Duke of Devonshire became Prime Minister and Pitt was appointed Secretary of State.

Various measures were passed in the session of 1757 to meet the emergency caused by the war, and in the same year the King took the ill-advised step of dismissing Pitt, against whom he had always entertained feelings of antagonism. His action was probably influenced by his displeasure at the attempts of Pitt, to save Admiral Byng, who had recently been executed for his conduct in the face of the enemy which had resulted in the capture of Minorca by the French. The King was soon to realize his mistake and Pitt was not long out of office. For three months the country, although plunged into war, was without a Government while the Duke of Newcastle strove in vain to form a ministry. Eventually the King was compelled to accept Pitt, who was reinstated as Secretary of State in a Government nominally headed by Newcastle, and which included Granville, Legge, Holderness, Temple, and Grenville. Pitt's great rival Fox joined the Government in an inferior office and without a seat in the Cabinet. For all practical purposes Pitt was the head of the administration and he began to prosecute the wars in which England was engaged with great energy and earnestness. In 1757 the victories of Clive in India gave the country cause for rejoicing, and the conquest of Quebec by Wolfe in 1759 which established Canada as a British dominion was the culminating success of a year of brilliant British victories in all theatres of operation. The prestige and influence of Pitt were now at their height. He was

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held in the highest esteem by Parliament and the nation, and was referred to as 'the Great Commoner'.

At this period of national triumph and rejoicing the country lost its Sovereign. King George II died on 25 October 1760. His private failings were numerous, but as a monarch he behaved in a constitutional manner throughout his reign. In his relations with Parliament and his use of the Royal Prerogative history records little for which he can be reproached. Although lacking in regal qualities he knew how to discharge the duties of a constitutional ruler, and, his reign, in the words of Lord Stanhope, 'left the dynasty secure, the constitution unimpaired, and the people prosperous'.

### GEORGE III (1788-1820) AND PARLIAMENT

George III succeeded to the throne upon the death of his grandfather, George II, on 25 October 1760. His reign, which in length and eventfulness is second only to that of Queen Victoria, opened a new phase in the parliamentary history of the United Kingdom. George III came to the throne determined to regain for the Crown that power which it had lost since the Revolution of 1688, and which, under his two predecessors, had been completely surrendered to the politicians. The first two Georges had leaned heavily on the support of the great Whig families, and it was the influence of this faction that the young George III resolved to break. By disregarding the party system and choosing his ministers without considering their political connexions he believed he could attain his object. But in order to destroy the Whig oligarchy which for so long had been in the ascendancy he was compelled to throw in his lot with the Tories, thus removing himself from the position of constitutional monarch and becoming little more than a party leader, the slave of the very machine he was bent on breaking. George III believed in the unlimited exercise of the Royal Prerogative, and although he earnestly desired to use his power solely for the good of the state, his methods proved that despotic rule is the only alternative to party government. It was an inevitable consequence of King George's policy that the government should be placed in the hands of his personal friends and that he should attempt to exert a personal influence on Parliament which led to the wholesale dismissal of office holders who incurred his displeasure by failing to vote in accordance with his wishes. In the first ten years of the reign the struggle between the King and the politicians was so intense that no less than seven ministries were formed. The Crown and the ministry became two distinct and often opposite influences: the patronage of the former was no longer at the disposal of the latter; and the monarch assumed a rôle unfamiliar to contemporary generations.

George III's accession was heralded with popular acclamation. He was the first truly English Sovereign of the Hanoverian dynasty, and his



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issue of a proclamation against profaneness and immorality (one of his first acts as King) was received with general approval. It was well known that the King conducted his own life according to the moral principles he expressed. His speech on opening Parliament in November 1760, in which he stated that he gloried in the name of Britain and expressed his concern for the welfare of his people, made a highly favourable impression on both Houses. Supplies were voted amounting to £20 million and the Civil List was fixed at £800,000, the King surrendering the branches of the hereditary revenues. In March of the following year Speaker Onslow (q.v.) retired after thirty-three years' occupancy of the Chair of the House of Commons.

The young King was greatly under the influence of the Earl of Bute, whom he appointed to the Privy Council two days after his accession. The King was determined to get rid of the ministers he had inherited from the previous reign and to establish his favourite at the helm. In March 1761 Holderness was persuaded to resign as Secretary of State and Bute was appointed in his stead. Bute strongly advised the King to make peace with France, but realizing that such a step would meet with the strongest opposition from Pitt he conspired with the King to remove Pitt from the Cabinet. Pitt for his part was earnestly entreating his colleagues to declare war on Spain, which power was making preparations to join with France, but finding himself supported by only one other minister he felt himself compelled to resign, and he left the Government on 5 October.

The elections which took place in March and April of 1761 were the most corrupt which had ever been held, and the sale of boroughs on a widespread scale may be dated from these elections. Seats were openly sold to the highest bidder and one was even publicly advertised for sale. The new Parliament met on 3 November 1761 and Sir John Cust was elected Speaker. The Duke of Newcastle was still nominally Prime Minister, and although he had been persistently snubbed and cold-shouldered by the new King he had continued to cling to office. Finding that he was never consulted in matters of policy or patronage he was eventually constrained to resign in June 1762. The King immediately made Bute his Prime Minister, and other changes in the Government took place at the same time, George Grenville becoming Secretary of State and Francis Dashwood Chancellor of the Exchequer. Acting on Bute's suggestion and hoping to divide the Whigs, the King persuaded Henry Fox to take over the leadership of the House of Commons.

Peace was signed at Fontainebleau in November and the Treaty of Paris was formally concluded on 10 February 1763. Those who had opposed the peace soon found themselves the victims of Bute's vindictiveness. The Dukes of Newcastle and Grafton and the Marquis of Rockingham were deprived of their lord-lieutenancies, and the Duke of Devonshire, who resigned the office of Lord Chamberlain,

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was struck off the list of the Privy Council by the King's own hand. Even the most inferior officials were penalized by dismissal, and the King's policy assumed the appearance of a persecution of the Whigs. Bute had by this time become extremely unpopular in the country, and Dashwood's budget did little to improve the popularity of the administration. Additional wine duties and a tax on cider, a favourite drink of the poorer classes, were imposed, and it is interesting to record that the passage of the Cider Bill through the House of Lords was the occasion for the first division on a Money Bill to take place in the upper House. The conduct of the Government generally and Bute's oppressive tactics in particular aroused such popular hostility that on 7 April 1763 the Prime Minister suddenly resigned, and with him Dashwood and Fox. George Grenville became First Lord of the Treasury and Chancellor of the Exchequer and Lords Halifax and Egremont were made Secretaries of State, the three being collectively known as the Triumvirate. Bute, however, continued to wield a powerful influence behind the scenes.

Shortly after the formation of the Grenville Ministry there occurred the first of a number of incidents which secured a place in history for John Wilkes, the notorious libertine and possibly the strangest champion of liberty Britain has ever produced. Wilkes first entered Parliament in 1757 when he bought himself a seat at Aylesbury. In 1761 he started his paper, the *North Briton*, in which he fearlessly attacked authority and aroused much public antagonism towards Bute. On 23 April 1763 there appeared the famous issue, No. 45, in which the King's speech was fiercely assailed. Grenville had Wilkes arrested on a general warrant, a warrant on which no names were specified but which authorized the arrest of any persons suspected of or connected with the offence in question. He was examined by Halifax and Egremont and afterwards committed to the Tower, but moving for a writ of *habeas corpus* he was brought before Chief Justice Pratt, who ordered his release by reason of his privilege as a Member of Parliament. When Parliament met in November Wilkes complained of his imprisonment during the recess, but the House of Commons resolved that No. 45 constituted 'a false, scandalous and seditious libel' and that parliamentary privilege did not confer immunity upon the authors of such libels. The issue was brought to a head during Wilkes's absence from the House (he had been ordered to attend in his place but had been wounded in a duel), and after fierce debates he was expelled from the House by unanimous vote. Wilkes, undaunted, proceeded to bring an action for damages against the Government for illegal imprisonment, at the same time instigating similar proceedings on behalf of the forty-eight other persons arrested with him under the general warrant. All the plaintiffs obtained favourable verdicts. The court declared that general warrants were illegal and the Government paid out thousands

of pounds in damages. Authority obtained its revenge on Wilkes shortly afterwards by prosecuting him for the publication of his 'Essay on Woman', an obscene parody of Pope's 'Essay on Man'. Anticipating that the judgment would go against him Wilkes absented himself from England during the trial, and he was found guilty and outlawed whilst abroad. For the time being Wilkes retired from the scene, but history had by no means finished with him, and his withdrawal from public activity was to be but temporary. Shortly after the trial a debate took place in the House of Commons on the subject of general warrants. It was a debate which should never have taken place, for in attempting to decide a question of law the House was openly usurping the function of the courts. In spite of the ruling by Chief Justice Pratt in Wilkes's case, a resolution endorsing his view that general warrants were illegal was defeated by the Government by a majority of 14.

In September 1763 important changes took place in the Government as a result of the death of Lord Egremont. Lord Sandwich was appointed Secretary of State and the Duke of Bedford was persuaded to accept office as President of the Council, the coalition thus formed becoming known as the Bedford-Grenville Ministry. In 1764 the disastrous policy was initiated which was eventually to cost Great Britain her American Colonies. Grenville decided that the colonists should be called upon to contribute something to the cost of the late war, and without consulting them in the matter he imposed duties on a number of articles of American trade. In the following session he introduced the Stamp Bill, which imposed more or less the same duties in America as those which were in force at home. The Bill passed through Parliament with little opposition, but there was a violent reaction on the part of the colonists, who took their stand on the principle of no taxation without representation. They were supported in their view by Pitt, whose warmth of feeling on the subject inspired him to one of the most powerful orations he ever delivered when the House met in January 1766. Whilst upholding the right of the English Parliament to legislate for the Colonies, he maintained that taxation without representation was illegal and called for the repeal of the Stamp Act. Influenced by the force of Pitt's arguments the Government did repeal the Stamp Act, and simultaneously brought in a Bill asserting the power of Parliament to make laws for the Colonies. A further Bill repealed or modified some of the duties imposed in 1764, and all three measures were carried after spirited debates.

Prior to these events the King suffered the first attack of the mental affliction which was ultimately to reduce him to insanity, and upon his recovery in 1765 it was deemed advisable to introduce a Regency Bill. The King desired that the power of appointing a regent should rest with him, but fearful of the influence of Bute, who was a favourite of the Dowager Princess of Wales, the Government persuaded the

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King to consent to a clause limiting his choice to the Queen and the descendants of the late King, warning him that otherwise the Commons might exclude the Dowager Princess by name. When the Bill came before the Commons, far from behaving as Grenville had predicted they voted by an overwhelming majority to include the Princess's name, and such was the chagrin of the King that the incident led to the fall of the Bedford–Grenville Ministry. The King turned to Pitt, but the latter was not prepared to enter a Government which excluded Lord Temple, who in turn was loyal to Grenville, and the King had no alternative but to place the administration in the hands of the Marquis of Rockingham, the leader of the Whig aristocracy. Two of the new Government's first actions received popular approval, the repeal of the cider tax and the endorsement of a resolution declaring general warrants to be illegal, but it was so inherently weak that it fell in July 1766. Once again the King approached Pitt, who this time agreed to join a Government as Lord Privy Seal and accepted elevation to the peerage as the Earl of Chatham. The Duke of Grafton was the nominal Prime Minister but the real power lay in the hands of Chatham. The Government was a strong one and included Townshend as Chancellor of the Exchequer, Northington as Lord President, Camden as Lord Chancellor, and Conway and Shelburne as Secretaries of State. At the time of the formation of this ministry a critical situation developed due to the scarcity of corn, and to avert public disorder Chatham issued his famous Order in Council imposing an embargo on corn and detaining in port a number of ships which were laden with grain and ready to sail. In spite of the crisis Chatham did not put forward the meeting of Parliament, and when both Houses assembled in November he was vigorously attacked both for issuing the Order in Council and for his delay in calling Parliament together. The first action he defended on the ground of national necessity, and his lack of action in the second instance he justified by the need to avoid creating alarm. Shortly after these difficulties Chatham was stricken with a strange illness and was compelled to withdraw from public life. Grafton became Prime Minister in fact as well as in name, and the Government, deprived of the influence and wisdom of the first statesman of the age, reverted to the disastrous American policy which had been initiated by Grenville. A Bill for taxing American imports was introduced by Townshend, who died in September 1767 before its full effects became apparent, and another Bill was passed prohibiting the legislature of New York State from passing any legislation until the American Mutiny Act had been complied with, this measure having been overruled by the local legislators. Townshend was succeeded as Chancellor of the Exchequer by Lord North.

The first Parliament of George III was now drawing to its close, the final session being notable for a measure introduced by Sir George

Savile, a leading member of the Opposition, commonly known as the *Nullum Tempus* Act. Its purpose was to protect the property of a subject after sixty years' possession from any ancient claim on the part of the Crown, and so strongly was public opinion in favour of it that it passed without difficulty.

Parliament was dissolved on 11 March 1768, and the elections which followed were, if anything, more venal than those of 1761. Seats were bought and sold openly and shamelessly, a borough fetching a price between £4,000 and £5,000. So flagrant was the practice of bribery that in several instances the authorities were unable to overlook it and punitive action was taken against certain offenders. Amongst the members returned to the Parliament of 1768 were the irrepressible Wilkes and a newcomer of outstanding ability, John Dunning. Although proscribed as an outlaw Wilkes had returned to England, had offered himself and been rejected as a candidate for the City of London, and had stood for the county of Middlesex, which elected him by a large majority. In spite of his dubious character his exploits in the name of freedom had won him an overwhelming popularity with the masses, and the cry of 'Wilkes and liberty!' was frequently heard. His outlawry was reversed by the Court of King's Bench, but on the original charge against him he was sentenced to a fine and imprisonment. He petitioned the House of Commons against his imprisonment on the ground of his privilege as a member. He also wrote a scurrilous attack upon Lord Weymouth, one of the Secretaries of State, in the form of a letter, for which the House of Lords might with justification have proceeded against him, but instead the Commons impulsively decided to take action, and in consideration of his offences both past and present they resolved upon Wilkes's expulsion from the House. The unconstitutional nature of the expulsion was realized by a number of Wilkes's contemporaries including Edmund Burke and George Grenville, both of whom opposed the resolution. Wilkes had been called to account for all his offences save that against Lord Weymouth, in respect of which it would have been proper to prosecute him in the courts. Nevertheless the resolution for his expulsion was carried by a large majority. He was immediately re-elected for Middlesex, but on the day following his re-election the Commons resolved by 235 to 89: 'That Mr. Wilkes, having been in this session of Parliament expelled the House, was, and is, incapable of being elected a Member to serve in this present Parliament.' The election was declared void and a new writ issued. Wilkes was again re-elected and the process was repeated. A fourth time Wilkes was returned, and although he was this time opposed by three other candidates (one of whom polled no votes at all) his majority was overwhelming. The Commons again declared Wilkes's election to be null and void, and by 197 to 143 they declared the second candidate, Luttrell, who had polled 296 votes against Wilkes's 1,143, as the

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lawfully elected member. The electors of Middlesex petitioned the House against the return of Luttrell, but although they were supported in their arguments by Bufke, Grenville, and Wedderburn, Luttrell's election was confirmed by a majority of 69.

By now the issue had become a *cause célèbre*, affecting not merely the merits or demerits of Wilkes's own claim as an individual, but the far wider principle of the right of the electors to return a candidate of their own choosing. Wilkes's personal popularity increased to such an extent that he became an alderman of the City of London and a subscription was raised to pay his debts. In 1770 Lord Chatham denounced the resolution of the Commons as denying to the subject his common right and depriving the electors of Middlesex of their free choice of a representative, and Lord Chancellor Camden described the proceedings as 'a direct attack upon the first principles of the Constitution'. In the Commons Dunning, Savile, and Dowdeswell espoused Wilkes's cause, and motions were introduced with the object of reversing the decision against him, but without success. The matter was again raised in the upper House when Lord Rockingham moved a resolution similar to one introduced by Dowdeswell in the Commons, but the Lords took the view that the Commons enjoyed a complete jurisdiction in the matter of elections and that interference on the part of the upper House would amount to a breach of the privilege of the lower. Rockingham's motion was lost, but forty-two peers, including Chatham, signed a protest against its rejection. Over the next four years the struggle continued to be waged in both Houses. The City of London petitioned the King for a dissolution of Parliament and the removal of his 'evil ministers', complaining that 'the majority of the House of Commons have deprived your people of their dearest rights'. The King denounced the petition as 'disrespectful to himself, injurious to Parliament, and irreconcilable with the principles of the Constitution', and a joint address of both Houses rebuked the City for its action. Chatham defended the petitioners and the right of petition, and having moved unsuccessfully for a dissolution, he introduced a Bill to reverse the judgment of the Commons which was defeated by a large majority. In 1771 Chatham again brought forward a motion to dissolve Parliament, and in the lower House Savile on three successive occasions, in 1772, 1773, and 1774, attempted to introduce a Bill safeguarding the rights of electors.

In 1774 Parliament was dissolved and Wilkes was once again returned for Middlesex. This time he was permitted to take his seat as his disqualification from membership lasted only for the duration of the previous Parliament. Determined to vindicate the rights of himself and his electors he moved in 1775 that the resolution against him be expunged from the Journal as 'subversive of the rights of the whole body of electors'. He secured 171 votes in support of his motion, which

he renewed unsuccessfully in 1776, 1777, 1779, and 1781. At last in 1782 his efforts were crowned with success and his motion was carried by 115 votes to 47. All previous orders and resolutions relating to his election for Middlesex were expunged by order of the House, and a great constitutional battle had been won. Long before his final victory in this issue Wilkes scored a signal success, upholding another constitutional principle arising out of the reporting of parliamentary debates. Parliament had always regarded the reporting of its proceedings in the press as a breach of privilege, and when in 1771 a number of printers were arrested by order of the House, Wilkes, who was at the time an alderman of the City of London, seized the opportunity of forcing the issue to a head. The struggle, which led amongst other incidents to the committal of the Lord Mayor of London to the Tower, brought little glory to Parliament, and its outcome amounted to a tacit acceptance by both Houses of the right of the people to know something of the activities of their legislators. (For fuller details of this matter *see under the heading* PRESS AND PARLIAMENT.)

To return to the year 1768: Chatham's ill-health compelled him to retire from the Government altogether, a factor which was to have a profound effect upon the course of history. In 1769 the Duke of Grafton proposed in Cabinet the total repeal of all import duties imposed upon America, but was defeated by one vote. Had Chatham's health been spared the result might have been different. Lord Chancellor Camden would also most probably have supported Grafton's proposal, but he had ceased to attend Cabinet councils on account of the Government's American policy and its actions in the matter of Wilkes's election, and in January 1770 he too withdrew from the administration. Later in the same year Grafton, unable any longer to carry on the work of government in the face of extreme difficulty, resigned office, and Lord North became the head of the Government in his stead. North's administration was a long and ignoble one, principally notable for its disastrous American policy. North himself was little more than the King's instrument, but in fairness to his memory his qualities of intellect, moral character, and good nature should not be overlooked. He had not long been in office before Chatham accused him of being under the domination of Bute and spoke of a power behind the throne greater than the throne itself. The ministry of Lord North, in which he himself held office as First Lord of the Treasury and Chancellor of the Exchequer, included Earl Gower as Lord President, the Earl of Halifax as Lord Privy Seal, and Lords Sandwich, Rochford, and Hillsborough as Secretaries of State. Later Sandwich became First Lord of the Admiralty and Grafton replaced Halifax as Privy Seal.

In 1770 Grenville carried his Bill for the trial of controverted elections, a measure which aimed at improving the methods by which the House decided such questions. Prior to the Grenville Act election

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petitions were decided in Committee of the Whole House and were regarded as purely political issues. Grenville's measure provided that the function should be taken over by a committee consisting of 13 members chosen by a somewhat complicated system of ballot and selection, and although it did little to remove election questions from the political arena it effected a practical improvement which was a step in the right direction. Grenville died shortly afterwards, thus removing one of the Government's leading opponents from the parliamentary scene.

In the same year Chatham raised the subject of parliamentary reform, predicting that if Parliament did not reform itself from within it would be reformed with a vengeance from without. Some years previously he had described the borough representation as the rotten part of our Constitution, and he now proposed a strengthening of the county representation as a first step towards reform. Sixty-two years were yet to elapse before the more flagrant abuses in the system of representation were corrected by the Reform Bill, but a great deal more was to be heard on the subject before the close of the reign of George III.

In 1772 the passing of the Royal Marriage Bill provided that no descendants of George II could contract a legal marriage without the consent of the reigning Sovereign until reaching the age of twenty-five. The Bill imposed the further conditions that no royal marriage could take place unless twelve months' notice of the intention to marry had been given to the Privy Council and the marriage had not been petitioned against by Parliament. Charles James Fox resigned his office as Junior Lord of the Admiralty to oppose the Bill. When it was carried he rejoined the Government as a Junior Lord of the Treasury in 1773, only to be removed at the instance of the King in 1774.

By 1774 matters in America had reached a crisis. It is true that in 1770 the Government had partially repealed the American import duties but the tax on tea had been retained. On 16 December 1773 the people of Boston seized the cargoes of three tea ships which lay in the harbour and pitched them into the water. The reaction of the home Government was to pass the Boston Port Bill, a punitive measure closing the port until such time as order should be restored and compensation paid for the destruction of the tea. Simultaneously another measure was passed withdrawing the constitution of Massachusetts, whose Assembly had called for a congress of the American Colonies and the removal of its governor. Both Acts severely antagonized the colonists, who held their proposed congress at Philadelphia and passed resolutions condemning the principle of taxation without representation, calling for the repeal of the recent measures against them, and suspending all trade with the mother country until their demands had been met. In the same year a General Election was held in Britain, which resulted in victory for the Government, who owed much of their support to the popular indignation which had swept through the



country following the destruction of the tea cargoes. The City of London, however, petitioned on behalf of the colonists, and early in 1775 Chatham moved in the House of Lords that steps should be taken to improve the situation in America. Speaking with passionate eloquence he forecast that if the Government did not voluntarily retract from its position, they would ultimately be compelled to do so, and the prestige of the Crown would suffer in consequence. His motion was supported by Camden and Shelburne but was lost by 68 votes to 16. Nevertheless he introduced a Bill for settling the troubles with America along the lines he had proposed, but this also was rejected by 61 to 32 votes. In the House of Commons Burke moved a series of resolutions directed towards the same end, but they were lost by 270 votes to 78.

Hostilities finally broke out in April 1775, when the battle of Lexington was fought, and on 4 July 1776 the thirteen Colonies met in congress and issued the Declaration of Independence. Soon after the outbreak of the war the Duke of Grafton resigned from the Government in protest against Lord North's American policy. Further harsh measures against America were passed by the Government and were so deplored by the Whig Opposition that in 1776 they ceased, for a time, their attendance in the House of Commons. In 1776 and again in 1777 Chatham repeated his attempts to bring about a cessation of hostilities, but his inspired oratory failed to move the majority of his fellow peers. A similar attempt in the Commons, moved in the form of an amendment to the address, was heavily defeated in spite of the efforts of Burke and Fox. By 1778 the Government began to appreciate the need for conciliation, and three measures were introduced repealing the tea duty, renouncing the claim of Parliament to tax the Colonies, and restoring the constitution of Massachusetts. But it was too late to attempt to turn back the clock. America was determined to secure her independence and was not prepared to compromise. Later in the year the Duke of Richmond moved in the upper House for the recognition of American independence, and it was during the course of this debate that Chatham collapsed in his last illness while addressing the Lords. One month later, on 11 May, the greatest statesman of the age passed away.

In this same session Savile, seconded by Dunning, brought in a Bill for the relief of Roman Catholics which both Houses passed unanimously. The Bill removed only the more oppressive disabilities, yet it was sufficient to stir a group of extremists, led by the fanatical Lord George Gordon, into provoking the serious disturbances known as the Gordon Riots. In the following session of 1779 a Bill for the relief of Dissenters, under which schoolmasters and ministers were no longer obliged to subscribe to the Thirty-nine Articles, also passed through both Houses.

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In 1780 the subject of economic reform claimed the attention of Parliament. This contentious issue, involving as it did the much-resented power and influence of the Crown, had become one of great concern within the country, and Parliament found itself faced with strongly supported petitions emphasizing the necessity for reforms and complaining of the elaborate system of Crown patronage and the corrupt means by which it was maintained. In the Lords Shelburne moved for an inquiry into the public expenditure and in the course of the debate Lord Rockingham revealed the extent to which the Government was dominated by the influence of the Crown. The subsequent action of the King in dismissing two peers from their lord-lieutenancies for supporting Shelburne's motion went far towards substantiating Rockingham's assertion. Three days after the debate in the Lords, Burke placed before the House of Commons his famous scheme of economic reform, its main proposals being a reduction of offices, improvement of financial administration, diminution of the pension list, and the payment of all pensions at the Exchequer. The scheme was defeated by 233 votes to 190. Two months later, however, Dunning was successful in carrying his notable resolution against the power of the King, and by 233 votes to 215 the House of Commons affirmed 'That the influence of the Crown has increased, is increasing, and ought to be diminished'. A second resolution asserting the right of the House of Commons to correct the abuses in all branches of the public expenditure including the Civil List, and a third affirming the duty of the House in securing redress of the grievances complained of in the petitions, were carried without divisions. The Speaker, Sir Fletcher Norton, himself endorsed the truth of the resolutions. The King was highly incensed at these proceedings in the lower House, but the Commons had done no more than give voice to a rising tide of public opinion which was to mark the beginning of the decline of the political power of the Crown.

To revert to the matter of parliamentary reform: in 1776 John Wilkes proposed a scheme providing for the abolition of 'rotten' boroughs, the enfranchisement of the big industrial cities of the Midlands and the North, and the improvement of county representation, and embodying most of the other principles advocated by reformers before and after. His motion for leave to bring in a Bill giving effect to this scheme was negatived without a division. In 1780 the Duke of Richmond raised the issue in the Lords by introducing a Bill for establishing annual Parliaments, universal suffrage, and equal electoral districts. Richmond's attempt met with the same fate as Wilkes's, but in 1782 the cause was taken up by a man destined to match his father's greatness, the young William Pitt. Having drawn attention to the serious deficiencies in the system of representation he moved unsuccessfully for a committee of inquiry. In 1783 he moved resolutions directed against

bribery and corruption at elections and proposing an increase in the representation of the counties and the capital. He managed to muster 149 votes in support of his resolutions against the majority of 293 which rejected them. Pitt's third and last effort in the cause of reform was made in 1785 shortly after he became Prime Minister, when he sought to introduce a Bill to amend the representation. It was rejected by 248 votes to 174 and he did not again revive the matter.

In 1782, following several determined moves to bring the American war to a close, Lord North resigned after twelve years at the head of a ruinous administration. When a resolution was carried branding as enemies to King and country all who should advocate a continuance of the war, North, realizing that the mood of the House was too strong for him to attempt resistance, announced that he was prepared to give effect to its views. Fox immediately denounced the principle of a minister remaining in office to implement a policy forced upon him by his opponents, and two motions expressing lack of confidence in the Government were introduced within a few days of each other and defeated only by very slender margins. Before another such attack could be launched Lord North had resigned. The King was now compelled, much against his will, to accept the Marquis of Rockingham as his Prime Minister. Rockingham stipulated as his conditions for taking office the concession of independence to America and the reform of the Civil List. His Government was a strong one, including Camden as Lord President, Cavendish as Chancellor of the Exchequer, Shelburne and Fox as Secretaries of State, and Burke and Dunning in lesser offices. The problem of the Civil List was first tackled, and legislation was introduced abolishing sinecure offices, reducing the pension list, and providing for the better control of expenditure. Measures were passed to correct certain electoral abuses, and the Government gave every indication of continuing as it had begun. Unfortunately, Rockingham died only three months after taking office and Shelburne became the head of the Government. Fox, Burke, and Cavendish all refused to serve under Shelburne and resigned their offices. Thomas Townshend took Fox's place as Secretary of State and William Pitt, at the age of twenty-three, became Chancellor of the Exchequer.

In 1783 the Treaty of Versailles was concluded between England, France, Spain, and the United States, under which Britain acknowledged the independence of America and ceded Pondicherry and other possessions in India back to France. The treaty was fiercely assailed by both Fox and Lord North, strange political bedfellows, who declared that it spelt disgrace and dishonour for Great Britain, and carried a vote of condemnation by 224 to 208. Shelburne thereupon resigned, and for thirty-seven days the country was without a Government. The King turned first to Pitt, who shrewdly declined to take office under circum-

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stances which would have placed him at a distinct disadvantage, and in an endeavour to avoid the only alternative of a Fox-North coalition King George decided to bide his time in the hope that such an unusual political association might break down. Eventually the King was compelled to give way, and a coalition Government was formed under the Duke of Portland, with Lord North as Home Secretary, Fox as Foreign Secretary, and Cavendish as Chancellor of the Exchequer. The King's reactionary principles and his failure to appreciate the nature of his own constitutional position were never better revealed than in his conduct upon his new Government taking office. He informed Lord Temple that he would never repose his confidence in such a ministry and would seize the first opportunity which offered itself to get rid of them. He found, or made, his opportunity when Fox, whom he particularly detested, introduced his India Bill. The Bill passed the Commons but the King instigated a campaign against it in the House of Lords, authorizing Lord Temple to state that whoever voted for the Bill was not only not His Majesty's friend but would be considered by him as an enemy. This unconstitutional behaviour drew indignant protests from the Commons and from a number of peers, including the Duke of Portland, but the Bill was nevertheless rejected by the upper House and the King dismissed the Government.

The King again applied to Pitt who, judging that his moment had come, consented to form a ministry. On 23 December 1783 Pitt became, at twenty-four, Britain's youngest Prime Minister, at the head of a Government drawn from both parties with himself as First Lord of the Treasury and Chancellor of the Exchequer. He took office in the face of the most formidable opposition, led by Fox and North who for three months directed a bitter onslaught in the lower House against the Government with all the forces they could command. Yet this youthful statesman, whose acceptance of office had been received by his opponents with derision, by means of the most consummate political skill contrived to reduce the adverse majority against him to one, and to hold off a dissolution of Parliament until the time he accurately judged to be the most favourable to his party. Inspired by the unfailing ability and ingenuity of Fox, the Opposition attempted again and again to force the resignation of the Government by all the legitimate means at their disposal. Motions condemnatory of the Government were carried by clear, if not substantial, majorities. The Government's India Bill was thrown out; a motion for postponing the supplies was adopted; and the Mutiny Bill was held over. On 8 March 1784 a motion by Fox for a representation to the King on the state of the nation was carried by a single vote only, and on the 25th the King dissolved Parliament on his Prime Minister's advice. The elections which followed brought triumph for Pitt and bore testimony to the wisdom of his judgment. The Opposition were crushingly

defeated, some 160 supporters of the Fox-North coalition losing their seats. The dissolution of 1784 has a significant importance in that it established the precedent of the ultimate appeal to the country in the event of a Government losing the confidence of the House of Commons. Unfortunately, the result of the election temporarily arrested the decline in the influence of the Crown for which Dunning's motion had pressed and which Rockingham's short administration had begun to bring about. The election was no less a victory for the King than it was for Pitt, and the former was only too ready to seize his opportunity to augment his personal power.

The new Parliament met in May and embarked upon a very full programme of legislation which included the reintroduction of the previously rejected India Bill, this time passed by a majority of 271 to 60. In one matter, however, Pitt failed to secure the approbation of the House in spite of his overwhelming party majority. At the General Election Fox had been returned for Westminster after a close and exciting contest, but the High Bailiff withheld the return in order to carry out a scrutiny of the votes. Such a scrutiny entailed an investigation into the qualifications of each individual voter, half the cost being defrayed by the Government and the other half by the candidate. The length of time it would take to conduct an inquiry of this sort was obviously so great as to have the effect of permanently excluding the elected candidate from Parliament, not to mention the likelihood of its bringing financial ruin upon him. The House of Commons sought to relieve Fox from his unenviable position by expediting the proceedings, but Pitt showed himself callously disinclined to come to the assistance of his rival. Fox, as it happened, had also been returned for Kirkwall and was therefore able to take his seat as the representative of this other constituency. The House made its views known by passing a vote of censure upon Pitt and also a Bill to prevent a recurrence of such a case.

The session of 1786 was notable for Pitt's reorganization of the Sinking Fund and the impeachment of Warren Hastings. The trial of Hastings before the House of Lords on twenty charges arising out of his activities during his governor-generalship of India began on 13 February 1788, in Westminster Hall. The principal managers of the impeachment included Fox, Burke, Sheridan, and Grey (afterwards Earl Grey of the Reform Bill). Much impressive eloquence, accompanied by suitable dramatic effect, was heard from these masters of oratory during the first days of the trial, which was to drag on for seven years. When Parliament was dissolved in 1790 Hastings and his friends hoped that the proceedings would be automatically dropped, but the House of Commons resolved otherwise and thus finally established the precedent that the proceedings upon an impeachment are not terminated by the prorogation or dissolution of Parliament.

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Judgment was not pronounced until 23 April 1795, when Hastings was acquitted.

A number of attempts were made between 1787 and 1790 to relieve Dissenters by the repeal of the Test and Corporation Acts, but none succeeded. A motion by Fox in 1790 was opposed by Pitt and defeated by 294 votes to 105, after which the matter was not revived for many years.

The session of 1788 was notable for the vigorous efforts of Wilberforce and other reformers to suppress the slave-trade. Wilberforce, who had the sympathy and support of Pitt, Fox, and Burke in his noble but thankless task, profoundly stirred the conscience of the Commons and the country in his campaign against the odious traffic, yet effective support for his aim was slow to accumulate. In 1791 a motion for abolition was lost in the Commons by 163 to 88, both Pitt and Fox voting in the minority. In 1792, however, the abolitionists were successful in carrying a Bill through the lower House only to see it meet with obstruction in the Lords. It was not until 1804 that Wilberforce managed to bring in another anti-slavery Bill, which was again passed by the Commons but rejected by the Lords. The following year, however, the Government took action of its own accord and introduced a modified form of prohibition, but it was not until 1807 that slavery was totally abolished by the General Abolition Act.

In 1789 the need for a Regency Bill again arose in view of a recurrence of the King's mental illness. Fox asserted the claims of the Prince of Wales to the appointment of Regent, but Pitt, knowing that one of the Prince's first actions upon assuming the power of sovereignty would have been to make Fox his Prime Minister, insisted that the Prince had no more right than any other subject except by decision of Parliament. The matter swiftly became a political issue, but the King's sudden recovery left the matter in abeyance.

Parliament was dissolved in 1790 and the elections brought another victory for Pitt, Fox having lost much popularity over his declaration of sympathy with the French Revolution. When Parliament met in 1791 the most important measure which came before the Houses was the Canada Bill. This enlightened piece of legislation, in providing for the administration of the territory, recognized for the first time the principle of independent representation within the Colonies. During the debates on the Bill Fox and Burke came to violent disagreement which led to a final rupture between the two friends, and during the short time he remained in Parliament Burke became a supporter of the Government. Two further notable measures of this session were Fox's Libel Bill, which passed the Commons without a division and became law during the following session, and a Catholic Relief Bill which considerably eased the disabilities pressing upon adherents of the Roman Church.

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The last decade of the 18th century saw widespread activity in the cause of parliamentary reform. Whilst much of this activity was properly conducted and supported at a high level, a number of extreme movements arose and encouraged violence and disorder. These tumults, together with a threatening international situation which in 1793 led to war with France, drove the Government into introducing a series of measures for the suppression of popular liberties, to the dismay of the Opposition. The first serious disturbance occurred on 14 July 1791, the anniversary of the storming of the Bastille. Towards the end of 1792 the Government alleged that continued seditious practices had brought about such an enflamed and dangerous situation that it had become necessary to call out the militia. Fox and Sheridan condemned the Government's action, denying that such a situation existed, and when war was declared Fox moved a condemnatory resolution which was heavily defeated. In the upper House Lord Grenville introduced the Alien Bill which gave the Government control over foreigners and the power to remove them from the kingdom. It passed through both Houses and was followed shortly afterwards by a measure prohibiting any form of trade or correspondence with the French. In 1794, following a succession of vindictive prosecutions for treason and sedition, the Habeas Corpus Act was suspended. The following year a Treasonable Practices Act and a Seditious Meetings Act, two measures which drastically curtailed the rights and liberties of the subject, were passed in the face of furious opposition from Fox, Sheridan, and the minority supporting them. Such was the strength of the Government in both Houses that these unpopular measures were carried by overwhelming majorities. But the mood of the country, which had been reflected in the hostile demonstrations which had taken place when the King had opened Parliament in 1795, was very different. In 1797 Fox vainly moved for the repeal of the Treasonable Practices and the Seditious Meetings Acts, observing in the course of a powerful speech that 'liberty is order; liberty is strength'. Shortly afterwards the King struck Fox's name from the list of Privy Counsellors with his own hand. Various measures restricting the activities of the Press became law during this decade, and a Bill passed in 1799 for the suppression of certain political organizations completed the Government's security programme.

In the meantime the moderate reformers had continued to advocate their cause. In 1792 an association calling itself the Society of the Friends of the People had been formed to promote parliamentary reform. One of the leaders of the movement was Grey, who in 1793 moved a resolution in the Commons calling for correction of the abuses in the electoral system. The society sought to achieve its objects by constitutional methods and entirely repudiated other contemporary organizations of a more virulent nature. Its activities were hampered by

## George III (1789–1820) and Parliament

the Treasonable Practices Act which practically banned political discussion, but in 1797 Grey moved for leave to bring in a Bill largely similar to the great measure he was to carry successfully thirty-five years later. He was ably supported by Fox and Erskine, another leader of the society who distinguished himself in a remarkable speech, but the feeling of the House in the light of the current condition caused the motion to be rejected by 256 to 91.

Important changes took place in the Government in 1794, the Duke of Portland and Lord Grenville becoming Home Secretary and Foreign Secretary respectively. Windham was made Secretary-at-War, and an additional office of Secretary for War was created to which Dundas was appointed. In 1795 Huskisson joined the Government as Under-Secretary for War, the young and promising George Canning was appointed Under-Secretary for Foreign Affairs in 1796, and Castlereagh became Secretary for Ireland in 1798.

In order to meet the heavy commitments imposed upon the country by the war, Pitt embarked upon a revolutionary financial policy in 1798 and 1799, and the latter year first saw the introduction of the income tax.

The outstanding legislative development of the year 1800 was the union of the two kingdoms of Great Britain and Ireland, an accomplishment which reflected no credit on either Pitt or Castlereagh, brought about as it was by means of the most scandalous system of bribery and intimidation. In fairness to Pitt it must be conceded that he earnestly believed that union offered the only solution to the turbulent problem of Ireland, and knowing that such a scheme had no hope of voluntary acceptance by the Irish themselves he was prepared to resort to highly distasteful methods in order to push it through, no doubt pacifying his conscience with the thought that the end justified the means. His proposals on the matter were carried by the British House of Commons by 149 votes to 24 and by the Lords without a division. They were eventually passed by both Houses of the Irish Parliament (q.v.) and legislation was prepared to embody the Articles of Union. The Bill received the Royal Assent in England on 2 July and in Ireland on 1 August. The Act came into operation on 1 January 1801 and the first Parliament of the United Kingdom of Great Britain and Ireland met on 22 January. As in the case of Scotland, the Irish Parliament ceased to exist with the coming into force of the Union, and although a substantial change in the constitution of the English Parliament was involved there was no prior dissolution. Ireland was represented in the House of Lords by 4 bishops sitting in annual rotation, and 28 temporal peers elected for life by the Irish peerage, and in the House of Commons by 100 members. When Parliament met all members were required to take the oath afresh and a Speaker was elected as at the beginning of a new Parliament, the former Speaker, Addington, being re-elected.



Having effected the Irish Union Pitt resolved to follow it up by introducing measures for Catholic relief as a means of propitiating the Irish. The King, however, was staunchly opposed to such a proposal and Pitt found himself at serious variance with his Sovereign. Neither was prepared to give way on the issue and in February Pitt, who had the full backing of his Cabinet colleagues, resigned office after seventeen years of power. Addington succeeded Pitt as Prime Minister and formed a Government which was probably weaker and more ill-equipped to govern than any of its many predecessors. Addington, who had been an excellent Speaker, was no administrator, and although nominally Prime Minister he looked for guidance to Pitt, who did not formally hand over the seals of office until 14 March, some weeks after his resignation. The main event of the Addington administration was the negotiation of the Treaty of Amiens on 25 March 1802, which called a temporary halt to the war which had been dragging on since 1793. Pitt supported the peace without attempting to praise it, realizing that it offered the country no more than a much-needed respite. It is interesting to note that under the terms of the treaty the King of England renounced his ancient but meaningless title of King of France. Hardly more than a year elapsed before it became clear from the activities of Napoleon Bonaparte that England would soon be at war again. Pitt, who was fully aware of the Government's incompetence to deal with a situation calling for courageous and decisive action, went into opposition with Fox and Grenville. Addington, unable to withstand the powerful forces ranged against him, resigned and was created Viscount Sidmouth. One important measure passed during the Addington administration was the Act disqualifying clergymen from sitting in the House of Commons. It was passed in consequence of the return of Horne Tooke, the zealous campaigner in the cause of parliamentary reform who was prosecuted and acquitted on a charge of high treason in 1794, for the 'pocket' borough of Old Sarum.

Once again Pitt found himself at the head of affairs, but at a time when the country stood in vital need of a strong and determined Government the Prime Minister's attempt to form such a team was frustrated by opposition from the King. Pitt wished to include Fox and Grenville, but the King's hatred of Fox was so intense that he refused to have him in the Cabinet. Grenville declined to serve in a Government from which Fox was excluded, and Pitt was thus compelled to entrust high offices to second-rate men, many of whom had served under Addington. The formation of the new Government was completed in May 1804, with Pitt, the one to ver of strength, holding his previous offices of First Lord of the Treasury and Chancellor of the Exchequer. He set himself to the task of prosecuting the war with characteristic vigour and resourcefulness, but he was an ailing man and his burdens pressed heavily upon him. In the session of 1805 he was

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sorely grieved when his great friend Henry Dundas, Viscount Melville, was impeached on charges of misappropriation during his term of office as Treasurer of the Navy. The motion for the impeachment was carried on the casting vote of the Speaker, Charles Abbot, the numbers in the division being equal. Pitt staunchly defended his friend's innocence but unfortunately did not live long enough to see him acquitted by the Lords. Melville's case is the last instance of an impeachment in the British Parliament.

Parliament was prorogued in July and the following October the country was able to celebrate Nelson's great victory at Trafalgar. The following December the allies suffered a terrible reverse at Austerlitz, and some weeks later, on 23 January 1806, Pitt died while travelling to London for the Opening of Parliament. The son of an equally great statesman, William Pitt the Younger possessed a natural genius for leadership which won him the confidence of the King, Parliament, and the country. Although unpopular at various times in his career all looked to him in times of stress and danger. He was every inch a man of Parliament, the natural progeny of the House of Commons, who could exert an influence over that unique institution which few statesmen have ever equalled. He brought great assets to the nation with his wise commercial treaties and his outstanding financial ability. It is one of the ironies of fate that a man possessed of such talents for promoting prosperity in peace should have gone down to posterity as one of our greatest political leaders in war. His brilliant career was cut off at the early age of forty-seven and at a time of national disaster which, it is said, went far towards hastening his end. His outstanding services to his country redeem his memory from those deeds, such as the means he employed to effect the Irish Union, which fail to reflect credit upon him.

Upon the death of Pitt, the King sent for Grenville, who insisted that any Government he should form must include Fox. The King assented to this condition, and the Ministry of 'All the Talents' was formed with Grenville as First Lord of the Treasury, Fox, Foreign Secretary, Erskine, Lord Chancellor, Grey, First Lord of the Admiralty, Sidmouth, Lord Privy Seal, Lord Henry Petty, Chancellor of the Exchequer, Lord Spencer, Home Secretary, and Windham, War and Colonial Secretary (the War and Colonial Departments having been united under one minister in 1801, a fusion which was to continue until 1854). The Lord Chief Justice, Ellenborough, was also appointed to the Cabinet, a highly unconstitutional proceeding though not without precedent. The House of Commons protested strongly against the appointment, contrary as it was to the principle of the separation of the judiciary from the executive.

Fox set himself the goal of restoring a real and lasting peace to Europe, but on 13 September 1806, before he could make any notable

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advances in his foreign policy, the great Whig leader died, surviving his rival Pitt by less than eight months. Grey, now Lord Howick, became Foreign Secretary, and shortly afterwards all hopes of peace were shattered when Napoleon issued his Berlin Decrees against Britain.

In 1807 the Grenville administration fell, like Pitt's Government before it, as a result of its stand on the issue of Catholic emancipation. The Army and Navy Service Bill proposed to relieve Catholics and Dissenters serving in the forces from their disabilities, but the King was adamantly opposed to such a measure and insisted that the Bill be withdrawn. The Government, however, refused to give an undertaking that the matter would not be revived, and was dismissed by the King. The one outstanding achievement of the Grenville ministry was the final abolition of the slave trade.

A new Government was formed under the Duke of Portland, with Spencer Perceval as Chancellor of the Exchequer, Canning, Foreign Secretary, Castlereagh, War and Colonial Secretary, Hawkesbury (later Lord Liverpool), Home Secretary, Eldon, Lord Chancellor, and Huskisson, Secretary to the Treasury. It immediately came under fire in both Houses for condoning by implication, in its acceptance of office, the unconstitutional dismissal of the previous ministry. A resolution in the Commons, 'That it is contrary to the first duties of the confidential servants of the Crown to restrain themselves by any pledge, expressed or implied, from offering to the King any advice which the course of circumstances may render necessary for the welfare and security of the empire', was lost by 258 to the large minority of 226. Perceval insisted that the King had acted without advice in his dismissal of the Grenville Government, but no modern constitutional authority would attempt to deny the responsibility of any Government which consented to take office in such circumstances, as the Sovereign cannot constitutionally act without advice.

Parliament had been dissolved in October 1806, during the period of Grenville's administration, and the new Parliament was therefore still in its first session. Nevertheless, the Government decided to go to the country again, thinking it prudent, in view of the King's hostility to Catholic emancipation, to take advantage of the anti-Catholic feeling prevalent in the country, and Parliament was dissolved on 27 April 1807. The elections provided the result the Government had hoped for, a large Tory majority being returned to the Commons. When the new Parliament met in June resolutions condemning the dissolution were heavily defeated in both Houses. In 1809 the weakness of the Duke of Portland brought about his resignation from the head of the Government and he was succeeded by Perceval. Lord Wellesley became Foreign Secretary, and two rising young statesmen were appointed to the Government, the twenty-four-year-old Lord Palmerston as Secretary-at-War and Robert Peel, at twenty-two, Under-

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Secretary for the Colonies. In the session of 1810 the Government faced censure from the Opposition over the disastrous Walcheren expedition, an incident which had led to a serious breach and a duel between Castlereagh and Canning and the subsequent resignation of both ministers. In the same session the two leading political issues of the day, Catholic emancipation and parliamentary reform, were again raised. Motions in favour of both were decisively rejected in the Commons. A question of privilege arose which involved the Member for Westminster, Sir Francis Burdett, in conflict with the House of Commons over its commitment of a publisher for issuing an objectionable political placard. Burdett denounced the action of the House and was voted guilty of a breach of privilege and ordered for commitment to the Tower. He was arrested and imprisoned, having secured himself in his house for three days, and on his release at prorogation he brought actions against the Speaker and the Serjeant-at-Arms. The authority of the House was upheld in the Court of King's Bench and subsequently on appeal by the Exchequer Chamber and the House of Lords, but popular sympathy was on the side of the victim.

In the latter half of 1810 the King's insanity became permanent and a Regency Bill was passed, receiving the Royal Assent by commission on 5 February 1811. The Prince of Wales became Regent and, to the general surprise, made no change in the Government. A year later the Prince assumed the full powers of sovereignty, the original term for which the regency had been fixed having expired. The ten years of the regency were remarkable for great military victories abroad, including the final subjugation of Napoleon at Waterloo in 1815, and, at home, for bad government, civil violence, and agitation in the two notable causes of Catholic emancipation and parliamentary reform. In 1812 Grenville and Grey declined an offer to join Perceval's Government on account of their support for the Catholic emancipation movement. It was in this year that the movement, led by the noble-spirited Irishman, Henry Grattan, began to gain strength. Canning and Lord Wellesley, who resigned from the Government and was replaced as Foreign Secretary by Castlereagh, both espoused the cause. A motion by Canning in the lower House proposing that the laws imposing disabilities upon Catholics should be considered was carried by the unexpectedly high majority of 129, whilst a similar motion by Wellesley in the Lords was lost by only one vote. Supporters of Catholic emancipation came forward from the ranks of the Government itself; and in 1813 Castlereagh supported a motion by Grattan which was carried by a majority of 40. Grattan followed up his success by moving a far more definite resolution which was carried by an even greater majority. Thus encouraged, he introduced a Bill based upon his resolution which passed its second reading by 245 votes to 203, only to meet with obstruction and resultant abandonment in the committee

stage. Up to the time of Grattan's death in 1820 a number of further attempts were made in Parliament to relieve Roman Catholics, but all failed. Motions favouring parliamentary reform which were brought forward during this period came nowhere near the success which at first seemed to smile upon the cause of Catholic emancipation.

On 11 May 1812 Spencer Perceval was assassinated in the lobby of the House of Commons, and he was succeeded as Prime Minister by Lord Liverpool, whose administration continued for nearly fifteen years beyond the death of the ailing monarch. His Government as first constituted included Castlereagh as Foreign Secretary, Sidmouth, Home Secretary, Eldon, Lord Chancellor, Vansittart, Chancellor of the Exchequer, Palmerston, Secretary-at-War, and Peel, Secretary for Ireland. Liverpool's administration was to a regrettably large extent inefficient, repressive, and reactionary, producing extreme suffering for the poorer classes due to high food prices, unemployment, and trade restrictions, of which the most notorious example was the Corn Law of 1815. The domestic unrest to which Liverpool's policies gave rise was met with legislation of the utmost severity, including the suspension of the Habeas Corpus Act and the suppression or control of political clubs, debating societies, and public meetings. In 1817 Lord Sidmouth, who, as Home Secretary, was responsible for implementing the Government's stern domestic policy, issued a circular to all lord-lieutenants of counties authorizing magistrates to proceed against the authors and vendors of offensive publications under the Hawkers' and Pedlars' Act. The legality of the 'Sidmouth Circular' became a matter for discussion in both Houses, Lord Grey in the upper House and Samuel Romilly in the lower pointing out that the power thus given to the magistrates had not been conferred by statute or in any recognized constitutional manner.

On 10 June 1818 the Prince Regent dissolved Parliament without warning, a proceeding without precedent since Charles II dismissed the Oxford Parliament (q.v.) in 1681. The Prince had in actual fact acted to oblige his ministers. The King's death was expected at any time, and in the event of the demise of the Crown taking place prior to the day appointed for a new Parliament to assemble, the dissolved Parliament would have been recalled. The elections did not deprive the Government of its majority although they added strength to the Opposition, and the new Parliament met in January 1819. In August of that year the popular feeling was outraged by the 'Peterloo Massacre', an incident which served to emphasize the inimical relationship which existed between the Government and the people. The clash took place when the military charged a crowd gathered for a political meeting in St. Peter's Field, Manchester, and inflicted many casualties, including several killed. Indignant demands for an inquiry were made throughout the country, and motions calling for investigation into the affair were

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introduced in both Houses of Parliament. But far from heeding moderate counsels, the Government's reaction was to pass the repressive measures known as the 'Six Acts', which provided, amongst other things, for the taxing of newspapers, restraint upon popular gatherings, and more effective means of preventing libellous and seditious writings.

Parliament adjourned on 29 December 1819, and before it could reassemble the long and eventful reign of George III had reached its end. The King died on 29 January 1820, at a time of domestic turmoil and distress, having reigned for sixty years. His age had been a great one in all fields of endeavour and achievement, and is noteworthy for the number of its outstanding statesmen alone. It is one of the anomalies of fate that in a span of years which produced so many individuals of the first eminence there should have reigned a King whose limitations prevented that period of British history from reaching the summit of glory.

## GEORGE IV (1762-1830) AND PARLIAMENT

George IV assumed the title of King upon the death of George III on 29 January 1820, having exercised the full power of sovereignty as Regent for the previous ten years during his father's insanity. No man could have been more ill-suited to the rôle of monarch than this selfish, spineless, dissolute dandy. Disloyal to his family, false to his friends, and indifferent to the welfare of his people, it is scarcely possible to point to a redeeming feature in his character. Perhaps the best that can be said of him is that England has been ruled by men more infamous, and that his occupancy of the throne brought with it a decided diminution in the personal power of the Crown. When he died it is doubtful whether the prestige of the monarchy had ever been at a lower ebb. Such reforms as were achieved during his reign, far from owing anything to his influence, were rather accomplished in spite of him; in fact the extent to which liberal policies prevailed at this period can be attributed in no small measure to the lack of royal influence. Nevertheless, the power of the Crown, which had increased so appreciably during the previous reign and had led to the passing of Dunning's famous resolution by the House of Commons in 1780, was still regarded with sufficient concern by the middle of 1822 as to bring forth a motion from Brougham calling for its reduction. The motion was negatived by 216 votes to 101 in spite of the mover's insistence that the power of the Crown had increased since Dunning's day.

On the accession of the new King the House of Commons fixed the Civil List at £845,727, but he received in addition a number of revenues, including substantial incomes from Scotland and Ireland, which considerably extended his financial resources. George IV had not been long on the throne before the Cato Street conspiracy was uncovered, a plot which had for its objects the assassination of Sidmouth,

Castlereagh, and other members of the Government and the incitement of a popular revolution. The betrayal of the conspiracy by one of its adherents led to expressions of grave concern in Parliament over the employment of spies and informers by the Government.

The main constitutional issues of the reign of George IV were the cruel and unjust proceedings which the King instituted against his wife, Caroline of Brunswick; the mounting pressure and eventual cession of the Roman Catholic claims for emancipation; and the popular agitation in favour of parliamentary reform. George had repudiated his consort many years before he became King, and upon his accession he refused to recognize her right to the title of Queen and denied her the courtesies due to that exalted rank. Caroline, who had been living abroad since 1814, returned to England when her husband became King and laid claim to her title. The King resolved upon divorce, and pressed the Government to formulate charges of infidelity against her, based upon evidence which the Cabinet knew to be far from conclusive. In spite of the fact that Caroline had been entirely cleared when similar allegations had been made against her in 1807, the Government succumbed, albeit reluctantly, to the insistence of the King, and to the perpetual shame of Lord Liverpool and his colleagues a Bill was introduced providing for the Queen's degradation and the dissolution of her marriage. Canning, who with Brougham had championed the cause of the wronged Queen, resigned from the Government in disgust at this proceeding. The Whigs and Radicals, backed by the country generally, rallied to Caroline's support, and when the third reading of the Bill was taken in the House of Lords the majority in its favour was only nine. Realizing that it would be hopeless to attempt to carry the Bill through the Commons the Government abandoned it and the nation rejoiced. The unhappy Caroline died shortly after her honour had been vindicated, but not before her despicable husband had inflicted one final humiliation upon her by disallowing her attendance at his coronation, a lavish and extravagant ceremony which provoked nothing but resentment in a people many of whom were starving.

At the beginning of 1822 Lord Sidmouth retired from office and was succeeded as Home Secretary by Robert Peel. Shortly afterwards Lord Londonderry, formerly Castlereagh, committed suicide, and Canning became Foreign Secretary in his place. Further important ministerial changes at this period included the appointment of Robinson, later Lord Goderich, as Chancellor of the Exchequer, and Huskisson as President of the Board of Trade. The progressive commercial policy of the latter minister did much to further the cause of free trade and bring about the eventual repeal of the Corn Laws.

During the course of the next few years the issue of Roman Catholic emancipation was one which frequently demanded the attention of the two Houses. The House of Commons, where a small majority generally

## George IV (1762-1880) and Parliament

voted in favour of granting some measure of relief to Catholics, showed itself more liberal in its attitude than the House of Lords, where, until 1829, a reactionary hard core of peers, outstanding amongst whom were the Duke of York and Lord Eldon, invariably contrived to influence the voting against such reforms. The King, of course, was emphatic in his opposition to any such proposal. In 1821 Plunket, upon whose shoulders the mantle of Grattan had fallen, had moved successfully in the lower House for a committee to consider the question of the Roman Catholic oaths. A Bill which he brought in subsequently, based upon the committee's resolutions, passed its third reading in the Commons by 19 votes but was thrown out by the Lords by a majority of 39. In 1822 Canning, who had throughout been an unfailing supporter of the Catholic claims, endeavoured to secure the removal of the disability upon Catholic peers to sit and vote in the upper House. His motion was opposed by Peel, his colleague in the Cabinet, but accepted by the House by the narrow majority of 5. A Bill incorporating Canning's proposal was carried in the Commons only to be rejected by their lordships. Further attempts in the cause of Catholic emancipation, including Burdett's Relief Bill of 1825, were similarly frustrated, and in the same year that Burdett introduced his Bill a measure for suppressing Daniel O'Connell's Catholic Association for three years was passed by Parliament. In 1827 the hopes of the Catholics rose when Lord Liverpool retired and Canning became Prime Minister (to the great reluctance of the King, it need hardly be added). Wellington, Peel, and Eldon refused to serve under Canning, who formed a ministry including Lord Lyndhurst as Lord Chancellor, Lord Dudley, Foreign Secretary, Sturges Bourne, Home Secretary, Palmerston, Secretary-at-War, and Goderich, Colonial Secretary. Canning himself took the offices of First Lord of the Treasury and Chancellor of the Exchequer, but only four months after taking office this great statesman, whose chief claim to fame rests upon his enlightened and constructive foreign policy, died. Lord Goderich became Prime Minister on Canning's death, but being unable to reconcile the internal dissensions within his ministry he resigned after five months and was succeeded by the Duke of Wellington. Wellington formed a Government drawn from both parties, but after a few months its Liberal members, including Palmerston, Dudley, Huskisson, and Lamb (afterwards Lord Melbourne), withdrew from it, and the Prime Minister reconstituted the ministry entirely from the Tories. It is one of those historical paradoxes that a Government formed from the party opposing Catholic relief should have been the one which was ultimately to implement that reform. In 1828 the Home Secretary, Peel, announced his conversion to the cause of Catholic emancipation, and Wellington, Lyndhurst, and other members of the Government agreed that the time had come to consider the granting



## George IV (1762–1830) and Parliament

of the Catholic claims. The urgent insistence of Peel induced a softening in the hitherto unyielding attitude of the King, who was persuaded to recommend the matter for the consideration of Parliament when opening Parliament on 5 February 1829. Peel, in order to test the views of his constituents, resigned his seat for Oxford University and contested it afresh. He was defeated by 146 votes, but he stood and was returned for the borough of Westminster shortly afterwards. Upon learning that the Government's proposed Relief Bill provided for the alteration of the oath of supremacy, the King changed his mind and informed his ministers that he would withhold his consent to the measure, whereupon Wellington, Peel, and Lyndhurst resigned. They immediately resumed office when the vacillating monarch informed them he would yield to their wishes, and on 5 March Peel introduced the Catholic Relief Bill in the House of Commons. It passed the lower House with the resounding majority of 320 to 142, and the upper House agreed to it by 213 to 109, a large voting strength for the House of Lords which, in the reign of George IV, numbered only 372 members. Most of the spiritual peers opposed the measure, together with a group of diehard lay lords including, of course, Lord Eldon and Lord Sidmouth. The Relief Act was followed by a measure raising the qualifications for the franchise in Ireland, its purpose being to disfranchise the small freeholders whose votes, it was feared, would otherwise have been influenced by the priests. The Duke of Norfolk and other Catholic peers took their seats in the House of Lords, and Daniel O'Connell, who had been elected for County Clare, attempted to take his seat in the Commons, but was prevented from doing so as the Relief Act had not been made retrospective. He was forced to wait until a new writ was issued and the electors of Clare again returned him.

Another great liberal measure of this period, passed about a year prior to the Catholic Relief Act, was the Bill inspired by Lord John Russell for the repeal of the Test and Corporation Acts, two statutes which had long pressed heavily upon Dissenters. It is strange to note that Canning, who had fought so hard for Catholic emancipation, never gave his support to the cause of the Protestant Nonconformists. Russell's Bill passed both Houses, but a clause inserted during the committee stage in the upper House had the effect of disqualifying Jews from sitting in Parliament by introducing into the oath of allegiance the words, 'on the true faith of a Christian'.

Efforts in the interest of parliamentary reform were numerous during the reign of George IV, but although it was a cause backed by strong and influential support it failed to make any practical advance. Lord John Russell was a conspicuous campaigner in the movement for reform, and motions for the disfranchisement of corrupt boroughs, the enfranchisement of the large industrial towns, and the prevention of bribery at elections were unsuccessfully introduced by him at various

## Gerrymander

times throughout the ten years George IV reigned. In 1827 Huskisson and other Liberals resigned from the Government on account of its opposition to even the most moderate reforms. In 1830 a motion by Daniel O'Connell in favour of triennial Parliaments, the introduction of the ballot, and universal suffrage was defeated by 319 votes to 13, and a resolution by Russell moderately proposing the extension of the basis of representation was rejected by 213 to 117. When one recalls that the great Reform Bill was destined to pass through both Houses a mere two years later it is obvious to what extent these majorities represented the forces of reaction. Nevertheless, a more liberal age had already dawned in spite of the character of the Government, as evidenced by the spirit of religious toleration which made possible the enactment of the measures referred to above. Other reforms effected during the period included a relaxation of restrictions upon the Press and a more humanitarian administration of the criminal law. The matter of law reform received attention during this period, and in 1828 Brougham delivered his celebrated speech of six hours, the longest in parliamentary history, advocating many improvements which have since been incorporated into the legal system. In 1830 a generous Budget brought considerable relief to the common people.

George IV died on 26 June 1830, and the accession of his successor heralded a new phase in the history of the institution of Parliament.

## GERRYMANDER

To divide a country into electoral districts in such a way as to give a political advantage to the party in power. The word perpetuates the memory of Governor Gerry of Massachusetts, who resorted to this stratagem in 1812. Sir W. Ivor Jennings has given a simplified example of how much depends on the way in which boundaries are drawn. In a town entitled to elect four members, it is assumed that one-quarter of the electors belong to the working class, live in the centre of the town, and normally vote Labour, while the rest belong to the middle-class, live in the suburbs, and normally vote Conservative. If the town is divided diagonally into four quarters, each including part of the centre as well as part of the suburbs, it will return four Conservative members. If the centre forms one constituency and the suburbs are divided into three constituencies, the town will return one Labour member and three Conservatives.

## 'GETTING 'THE SPEAKER OUT OF THE CHAIR'

Under modern practice the Speaker now leaves the Chair when the House of Commons goes into committee without putting the question 'That I do now leave the Chair'. This saves time as no opportunity for debate is given, but the motion 'That Mr. Speaker do now leave the Chair' is; however, still made on going into Committee of Supply

when the Navy, Army, Air, and Civil Estimates first come up for consideration. These four occasions provide opportunities for discursive debates, and amendments to the motion may be moved.

### GHANA PARLIAMENT

The Gold Coast, which in 1957 adopted the name of Ghana, achieved its first Legislative Council when it was separated from Sierra Leone in 1850. By 1901 the Gold Coast Colony and Protectorate included the Northern Territories and Ashanti, but until 1946 the Legislative Council was not the legislature for the whole country but only for the coastal area known as the Colony. Ashanti until 1946, and the Northern Territories up to 1951, were administered directly by the Governor. The first African unofficial member was appointed to the Legislative Council in 1888, and by 1916 the unofficial side of the Council consisted of 3 Europeans, 3 Paramount Chiefs, and 3 representatives of educated Africans. In 1925 a new Constitution introduced direct election in municipalities and indirect election in the Provinces, but the Council retained its official majority. This disappeared in 1946 when a completely new Legislative Council met for the first time with power to legislate for Ashanti as well as the Colony. This was set up by the Burns Constitution, a joint creation of the Governor, Sir Alan Burns, and the African leaders, and it brought in the first Legislative Council in British Africa to have a majority of Africans. It consisted of 6 official, 6 nominated, and 18 elected members, and included 5 representatives of Ashanti. The Council was also the first in British Africa to have an African President, in 1949. In 1950 the Trustee Territory of Togoland obtained direct representation in the Council with one member elected by the Southern Togoland Council. Following the Report of an all-African Committee (the Coussey Committee) in 1949, a new Constitution came into force in 1951. Its chief features were an enlarged single-chamber legislature with an elected Speaker and 75 elected members out of a total of 84, including for the first time representatives of the Northern Territories, and an Executive Council with a majority of African ministers drawn from the Legislative Assembly. The Governor's reserved powers were retained. In April 1954 the Gold Coast was brought to the threshold of sovereign independence with a Constitution which provided for a Cabinet presided over by the Prime Minister (appointed 1952), all the ministers being Africans, and a Legislative Assembly of 104 members, all of whom were elected. The Governor still retained certain reserve powers, and was responsible in his discretion for external affairs (including Togoland), defence, and the police. He was assisted in the discharge of these duties by an Advisory Committee containing 3 ministers. The first General Election based on universal adult suffrage under this Constitution was held in June 1954.

## Gibraltar Legislative Council

A report by Sir F. Bourne issued in December 1955 recommended a very substantial transfer of power from the centre to the regions in the Gold Coast, entailing the creation of Regional Assemblies in the Eastern, Western, Ashanti, and Northern Territories and Togoland. He believed that this devolution of power would relieve ministers of a great deal of local business which would be better performed in the regions, and give them more time to consider broad matters of policy on a national basis. In a White Paper published in April 1956 the Gold Coast Government indicated its general agreement with these recommendations.

As the result of a plebiscite held in Togoland in May 1956, the territory decided on union with the Gold Coast when the latter should obtain independence. This came about when the Royal Assent was given to the Ghana Independence Bill in February 1957, and under its new name the Gold Coast assumed full responsibility within the Commonwealth for its own affairs as from 6 March 1957. The former Legislative Assembly has been re-named the National Assembly.

(Further reading on the pre-independence period: Wight, *The Gold Coast Legislative Council*, 1947.)

## GIBRALTAR LEGISLATIVE COUNCIL

The council was established by the Gibraltar (Legislative Council) Order in Council, 1950, and was formally inaugurated by the Duke of Edinburgh on 23 November the same year. It consists of the Governor as President, 3 *ex-officio* members (Colonial Secretary, Attorney-General, and Financial Secretary), 2 members appointed by the Governor, and 5 elected by proportional representation (q.v.) on the principle of the single transferable vote. The normal life of the Council is three years. The Council Chamber was formerly part of the Exchange and Commercial Library building, founded by voluntary subscriptions in 1817, which was converted to its present use in 1950. The procedure of the council is governed by Standing Orders which follow the standard model used in territories which have not attained a substantial degree of self-government. The Executive Council has 4 official and 3 unofficial members selected by the Governor.

## GOLD COAST PARLIAMENT

*See* GHANA PARLIAMENT.

## GOOD PARLIAMENT

The Parliament that assembled in 1376 in the reign of Edward III has been called by this name because of its measures against the corruption of the Court and government. Several of the ministers were impeached, and the King's mistress, Alice Perrers, was particularly singled out for censure by the Commons. Their growing activity in this

Parliament received much encouragement from the Black Prince, but after his death John of Gaunt's Parliament undid the good work of its predecessor and imprisoned the Speaker, Sir Peter de la Mare.

## GOVERNMENT

*See* PARLIAMENTARY GOVERNMENT.

## GOVERNMENT BUSINESS

The establishment of the Cabinet system made the Government the leaders of the majority in the House of Commons, but owing to the tenacity with which the House clung to the principle of the equality of members, any priority for Bills, motions, etc. introduced by the Government was not formally secured for nearly a century. During the 18th century the old practice of the Speaker arranging business gradually ceased, and a new distinction was made of Order Days, when business set down by order of the House was taken, and Notice Days for new business. Although by 1852 the Government had appropriated three of the Order Days a week, the whole of this time was not available because members in those days could avail themselves of technicalities of procedure for obstructing and interrupting Government business. After the passing of the 1832 Reform Bill, the procedure of the House began to be defined and regularized by means of Standing Orders (q.v.), and in 1902 the Government finally secured its hold upon the greater part of the time of the House.

*See also* BUSINESS OF THE HOUSE; PRIVATE MEMBERS' TIME.

## GOVERNMENT DRAFTSMEN

*See* DRAFTSMEN.

## GOVERNOR

The Governor and Commander-in-Chief of a Colony is appointed by the Crown on the advice of the Colonial Secretary, to whom he is responsible. The office is created by letters patent, and as the agent of the Crown the Governor carries on executive government in its name. His duties and authority are defined in Royal Instructions and by a Commission, but generally he is empowered to appoint members of the Legislative and Executive Councils, to issue election writs for the legislature and to summon and dissolve it, and to assent or refuse assent to Bills, or to reserve them for the Crown's assent. Where a Legislative Council consists entirely of nominated members he may initiate taxation and appropriation measures and usually other Bills. In addition to these powers, Governors have authority conferred on them by various statutes in respect of customs, defence works, naturalization of aliens, and many other matters.

## Governor-General

Governors of the Australian States, appointed by the Crown, and Lieutenant-Governors of the Canadian Provinces, appointed on the advice of the Canadian Government by the Governor-General, are not agents of the Crown as are the colonial Governors, but are the Crown's representatives. In both cases they are as much the representatives of the Queen for all purposes of state or provincial government as the Governors-General are for the federal governments.

## GOVERNOR-GENERAL

The Report of the Inter-Imperial Relations Committee, which was adopted by the Imperial Conference of 1926, stated that it was an essential consequence of the equality of status existing among the members of the British Commonwealth 'that the Governor-General of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by H.M. the King in Great Britain', and, like the Sovereign, he opens, prorogues, and dissolves Parliament, and assents to Bills. He exercises the prerogative of pardon and the seldom-used power to refuse a dissolution of Parliament. The report also made it clear that a Governor-General is not the representative or agent of H.M. Government in Great Britain or of any department of that Government. The Imperial Conference of 1930 further declared that the consequence of the Governor-General being the representative of the Sovereign only was that 'the constitutional practice that His Majesty acts on the advice of responsible ministers applies also in this instance'. It follows that the appointment of a Governor-General becomes a Dominion affair, and that the ministers whose advice is taken are those of the Dominion concerned. This development has resulted in the appointment in some Commonwealth countries of local citizens as Governor-General, the first being Sir Isaac Isaacs, appointed in Australia in 1931. Canada and Pakistan have also had their own nationals as Governor-General, and since 1936 it has become a convention that only South Africans should be appointed to the post in the Union of South Africa.

## GRAND COMMITTEES

At the beginning of the 17th century the Standing Committees on religion, grievances, courts of justice, and trade were given the name of 'Grand' Committees. They were in form Committees of the Whole House, but unlike these, which have always had to ask leave to sit again, they were given power in 1626 to adjourn themselves. After the Restoration they began to take the committee stage of Bills, and soon became indistinguishable from Committees of the Whole House, although the formality of setting them up at the beginning of the session was continued until 1832.'

## GRAND REMONSTRANCE

A great documentary protest prepared and passed by the House of Commons in 1641 which purported to place before the King 'a faithful and lively representation of the state of the kingdom'. It contained 206 clauses describing the state of the nation, reciting the King's misdemeanours and the grievances of the Commons, stating the reforms which had already been effected by Parliament and the obstructions thereto, and finally demanding further remedial measures, including the enforcement of laws against Roman Catholics, improvements in the administration of justice, and the appointment of ministers in whom Parliament could confide. The remonstrance was provoked by the duplicity of Charles I in his dealings with Parliament, but the Royalist party in the Commons, whilst accepting the declaratory clauses, fiercely opposed those proposing further reforms. When a vote was taken on 23 November after a long and stormy debate, the figures of 159 in favour and 148 against revealed a large minority in sympathy with the King. Cromwell is recorded as having said, 'If the remonstrance had been rejected I would have sold all I had the next morning and never have seen England any more; and I know there are many other honest men of this same resolution.' The debate proved to be the first trial of strength between the two parties which eventually waged the Civil War.

The Grand Remonstrance was really intended to justify Parliament in the eyes of the people, and on the same day that it was passed a second vote was taken on a motion that it should be printed and was lost by 124 votes to 101. But the popular side refused to accept the decision as final, and a second debate was held on 15 December which resulted in a reversal of the decision by 135 votes to 83. It is recorded that tumult broke out in the House but order was restored by the strong, calm influence of John Hampden. The remonstrance thus became a direct appeal to the nation, and throughout its considerable length lay the implication that the Roman Church was conspiring against and was responsible for all the evils besetting the nation. As a result of its publication, the King, fearing for the Queen whose intrigues on behalf of the Catholic faith were no secret, was induced to make his celebrated attempt to arrest the five leaders of the party responsible for its authorship.

*See also* CHARLES I AND PARLIAMENT.

## GREAT CHARTER

*See* MAGNA CARTA.

## GREAT OFFICERS OF THE REALM

'An Acte for the placing of the Lordes in Parliamt', which was put on the Statute Book by Henry VIII in 1539, states which are to be

## Great Seal

considered the twelve Great Officers of the Realm and lists them in order of precedence. The offices of Ecclesiastical Viceregent, Lord Treasurer, Lord Admiral, and King's Secretary no longer exist and there are now only eight, namely, the Lord Chancellor (q.v.), the Lord President of the Council (q.v.), the Lord Privy Seal (q.v.), the Lord Great Chamberlain (q.v.), the Lord High Constable, the Earl Marshal, the Lord Steward of the Household, and the Lord Chamberlain. Of these eight, three are often for convenience, though without any known recorded authority, colloquially described as 'Great Officers of State'. These are the Lord Great Chamberlain, the Lord High Constable, and the Earl Marshal. The Lord Steward and the Master of the Horse, who has always been considered a 'Great Officer of the Household', might also be described as 'Great Officers of State'. The Lord Chancellor, the Lord Privy Seal, and the Lord President of the Council are active politicians, and receive their appointments from the party in power.

## GREAT SEAL

The office of Lord Keeper of the Great Seal (q.v.) is now combined with that of the Lord Chancellor (q.v.). Although with Sir Nicholas Bacon in the reign of Elizabeth I the two posts of Keeper and Chancellor were united, it was not until the time of George III that the modern system of conferring the Great Seal and the title of Lord Chancellor simultaneously became customary. The documents to which the Great Seal is affixed are proclamations, writs, letters patent, and the documents which give power to sign and ratify treaties. Authority for affixing the Great Seal is given by a Royal Warrant under the Queen's Sign Manual and countersigned by the minister responsible for tendering the advice to which the document is to give effect. The duties in connexion with the use of the seal are now performed by the officers of the Keeper in the Crown Office, but he is responsible for its safe custody. Whenever a new Great Seal is adopted, at the beginning of a new reign, or a change of the royal arms, or when the old seal is worn out, it becomes the property of the Lord Chancellor. On the accession of William IV a dispute arose between Lord Lyndhurst and Lord Brougham as to who should possess the old seal. The former had been Chancellor when the order was made for the engraving of the new seal; the latter had occupied the Woolsack (q.v.) when the new seal was finished and ordered to be put into use. The King decided that the seal should be divided between the two Chancellors, and when the same difficulty arose in 1878 Queen Victoria followed the precedent set in 1831 by the Solomon-like wisdom of King William.

In early times, the King used occasionally to deliver to the Chancellor several seals of different materials—perhaps one of gold and one of silver—with the same impression, although, with the exception of the



rival Great Seals used by the King and the Parliament during the Civil War, there has not been for many centuries more than one Great Seal in existence at the same time. The Close Rolls abound with curious details of the careful manner in which the Great Seal was kept in its 'white leathern bag and silken purse' under the private seal of the Chancellor. There was a rule that it should not be taken out of the realm, but this was broken by Cardinal Wolsey, who took it to Calais with him in 1521. This supposed violation of duty formed one of the articles of his impeachment. On two occasions in its history the Great Seal has been abstracted—by James II, who dropped it into the Thames—and by burglars in 1784 from the house of Lord Chancellor Thurlow.

Queen Elizabeth II approved a new Great Seal of the Realm at a meeting of the Privy Council in August 1953. It was designed by Gilbert Ledward, R.A., and engraved in silver at the Royal Mint. The impression has a diameter of 6 inches, and as it is suspended from a document it has to have an obverse and a reverse impressed by the seal, which weighs 135 ounces, and by a counterseal weighing 3 ounces less. The practice, dating from the time of William the Conqueror, of depicting the Sovereign on horseback on the obverse and enthroned and robed on the reverse has been adhered to for the new seal.

The Imperial Conference of 1930 discussed the use of the Great Seal in connexion with the conduct of foreign relations by Commonwealth countries, and changes were later introduced in the form of the warrant for the release of the Great Seal to indicate that the Sovereign was acting on the advice of his ministers in the country concerned. South Africa has its own Great Seal instituted by the Royal Executive Functions and Seals Act of 1934, and Canada passed the Seals Act in 1939 authorizing the Great Seal of Canada (i.e., the Governor-General's seal) to be used instead of the Great Seal of the Realm.

## GRENADA LEGISLATIVE COUNCIL

One of the four islands of the Windwards group, Grenada was granted a new Constitution as from 31 August 1951. It provides for a Legislative Council consisting of the Administrator as President, 2 *ex-officio* members, 3 nominated members, and 8 elected members. The Executive Council is composed of the Administrator, 2 *ex-officio* members, 1 nominated member who is a nominated member of the Legislative Council, and 4 elected by the Legislative Council from among its elected members. The elected members were increased from 3 to 4 in March 1956, and the Executive Council has now become the principal instrument of policy with a majority of elected members, 3 of whom have been appointed ministers. The Governor of the Windward Islands presides when present; in his absence the Administrator presides. The ordinances passed by the Legislative Council become law when assented to by the Governor on behalf of the Queen, but

## **Grey, Anchitell (d. 1702)**

Bills dealing with certain subjects have to receive the prior approval of the Colonial Secretary of State. The Crown can also subsequently disallow any law to which the Governor has given assent. The Legislative Council has a Standing Committee on finance, and no item of expenditure that has not been previously approved by the committee may be submitted for the consideration of the Council unless a motion to that effect be made otherwise.

Grenada has accepted the plan for a Federation of the British Caribbean Colonies, and it is intended that elections for the first federal legislature of the West Indies shall be held early in 1958.

## **GREY, ANCHITELL (d. 1702)**

The compiler of Grey's Debates, a contemporary record of the debates of the House of Commons from 1667 to 1694. Originally compiled for his own convenience, these debates were published in ten volumes in 1769. Grey was himself a Member of Parliament, and his work was the first continuous record of contemporary debates to be published. Grey's Debates are one of the main sources from which Cobbett and Wright compiled the Parliamentary History (q.v.).

## **GUERNSEY, STATES OF**

*See* CHANNEL ISLANDS LEGISLATURES.

## **GUILLOTINE**

A development of the closure (q.v.) which is applied to the various stages of Bills and is also known as the 'closure by compartments'. It can only be called into operation if a motion for the purpose has been agreed to by the House. Unlike a closure motion which has to be passed when a question is actually before the House, an allocation of time or 'guillotine' motion is passed in advance of the debate it is proposed to limit.

A 'guillotine' motion is designed to expedite the passage of a Bill, and seeks to do so by means of a time-table allotting a certain number of days proportionately to each stage and, in respect of the committee and report stages, stipulating the number of clauses which must be considered on each day or portion of a day. At the end of the allotted time the question under consideration must be put, followed by any further questions necessary to conclude the business which has been assigned to that day or period, opportunity for any further discussion being now lost. 'Guillotine' motions usually contain other provisions such as the prohibition of dilatory motions and the postponement of other business.

The 'guillotine' is unpopular on all sides of the House. It renders opposition ineffective and severely impairs the value of debate. Its only virtue is that of saving time, although a certain amount of time is always lost in the discussion of the motion itself. A Government is

usually reluctant to propose its use, and will only do so as a matter of urgency. For instance, a Government might seek to call the 'guillotine' into operation if it is being unduly harassed by delaying tactics, or if fierce and prolonged debate is anticipated on a measure which threatens to disrupt the programme for the session.

On the recommendation of the Select Committee on Procedure of 1946 the 'guillotine' can be applied to proceedings in Standing Committees, although every motion proposing its application must be passed in the House itself.

### GUNPOWDER PLOT

The name given to the conspiracy to blow up the Houses of Parliament which was engineered by a group of Catholics in 1605. The explosion was planned to take place on 5 November at the time when the King was due to open Parliament, but the plot was discovered the night before. According to the most popular account of the discovery, Guy Fawkes was caught red-handed in the act of setting the fuse which was to ignite the thirty-six barrels of gunpowder which had been deposited in the vault immediately beneath the Chamber of the House of Lords. The Journal of the House of Commons records: 'This last night the Upper House of Parliament was searched by Sir Tho. Knevert; and one Johnson (the name assumed by Fawkes), servant to Sir Thomas Percy, was there apprehended; who had placed thirty-six barrels of gunpowder in the vault under the House, with a purpose to blow King, and the whole company, when they should there assemble.'

The history of the conspiracy is surrounded by much confusion and opinions conflict over the question of its origins. It is generally accepted that the plot was provoked by the repressive measures to which, since the beginning of Elizabeth's reign, Catholics in England had been subjected. It has been alleged, however, that it was initiated by an *agent-provocateur* at the instigation of Salisbury, the Secretary of State, with the object of incriminating Catholics generally as a prelude to a fierce persecution designed to suppress Catholicism entirely. Whether this be true or false, there is no doubt that the government had some prior knowledge of the plot and deliberately falsified much of the evidence after the arrest of the conspirators.

The plot is supposed to have been conceived by Robert Catesby and confided by him to Thomas Winter and John Wright in a house in Lambeth. The conspiracy was later joined by Winter's brother Robert, Wright's brother Christopher, Thomas Percy, John Grant, Ambrose Rookwood, Robert Keyes, Sir Everard Digby, Francis Tresham, Catesby's servant Thomas Bates, and Guy Fawkes, who has become the most famous of the persons concerned although his rôle was a relatively minor one. On 25 March, after some attempts at underground excavation, the ground-level vault immediately beneath

## Gunpowder Plot

the Lords' Chamber, which had previously been leased to a coal merchant, was hired by Percy, and here were concealed the barrels of gunpowder under a heap of firewood.

On 26 October an anonymous letter was delivered to Lord Monteagle, a Catholic peer and brother-in-law of Tresham, warning him not to attend the Opening of Parliament if he valued his life. The authorship of the letter has never been established. Certain evidence tends to throw suspicion on Tresham although other facts suggest otherwise. There is little doubt, however, that the warning came as no surprise to Monteagle who is believed to have had full knowledge of the plot. Monteagle had himself taken part in Catholic conspiracies in the past, but had been restored to favour with the Crown on declaring his support for James I on his accession. The part played by Monteagle in the affair under consideration is open to speculation, but his action upon receiving the letter was to reveal it to Salisbury and other ministers. On 4 November the vault beneath the House of Lords was searched, the gunpowder was discovered, and Guy Fawkes was arrested. Catesby and the others fled into the country, but all were eventually hunted down and either killed or arrested. Eight of the conspirators lived to stand trial—the two Winters, Digby, Rookwood, Keyes, Grant, Bates, and Fawkes. They were executed on 30 and 31 January 1606, with all the dreadful accompaniments which in those days formed a part of the punishment for treason. Tresham died in the Tower before he could be tried.

Three Jesuit priests were also involved in the plot, but the extent of their implication was probably limited to the fact that it had been revealed to them in confession. One of them, Garnet, was arrested and executed, but the other two, Tesimond (alias Greenway) and Gerard, managed to escape.

It is doubtful whether the true history of the Gunpowder Plot will ever be known. As generally told it rests upon two accounts—the confessions taken from Thomas Winter and Guy Fawkes after their arrest. Those of the latter were extracted under torture and Winter's confession was probably forged; in any case, all their statements were certainly tampered with and there is no doubt that the evidence was consistently falsified to make it accord with the version which the government of the day wished the world to believe.

An interesting custom which still survives as a result of the Gunpowder Plot is the traditional searching of the cellars by the Yeomen of the Guard which takes place before the opening of each session of Parliament.

A recent book on the subject is Hugh Ross Williamson's *The Gunpowder Plot*, published in 1951.

# H

## **HAKEWILL, WILLIAM (1574-1655)**

The author of a treatise on parliamentary procedure, originally published in 1641 under the title, 'The Manner how Statutes are enacted in Parliament by passing of Bills'. According to the *Dictionary of National Biography*, the work had remained in manuscript for many years, and numerous copies had found their way abroad, one of which was anonymously published as 'The Manner of holding Parliaments in England' (not to be confused with the work of similar title by Hakewill's contemporary, Elsynge (q.v.)).

Hakewill was at various times a Member of Parliament and represented several Cornish constituencies. The *D.N.B.* records that when examining the parliamentary writs in the Tower of London, he discovered that the three Buckinghamshire boroughs, Amersham, Marlow, and Wendover, had formerly returned members to Parliament but had allowed the privilege to lapse. At his suggestion they claimed their rights, and from 1625 they were recognized. Hakewill was returned as Member for Amersham in 1628, but in 1629 he retired permanently from parliamentary life.

## **HALL, ARTHUR, CASE OF**

The leading precedent on which the House of Commons bases its right of expulsion. Arthur Hall was expelled from the House in 1581 for having published an offensive book in which he questioned the authority of the House and slandered individual members.

*See also* ELIZABETH I AND PARLIAMENT; EXPULSION FROM PARLIAMENT.

## **HANSARD**

The official verbatim report of parliamentary debates, which takes its name from the Hansard family whose firm originally published the report. Hansard constitutes a complete and accurate record of every word which is spoken in Parliament, and each House issues its own separate report. In addition to speeches delivered in the course of debate the report includes the answers to questions (q.v.), both oral and written, and it records divisions (q.v.) in full. Hansard is issued in daily and weekly parts and also in bound volumes which are issued periodically during a session. The number of volumes which are filled by the debates of a complete session varies, but twelve may be taken

as an average for the Commons and six for the Lords. A sessional index is published as a separate volume to either series. The debates of Standing Committees (q.v.) of the House of Commons are published in separate parts and volumes.

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Parliamentary debates are recorded by highly skilled shorthand writers who are members of the staff of Parliament. The Hansard staff of the Commons consists of an Editor of Debates, an Assistant Editor, and twenty reporters, two of whom act as sub-editors; that of the Lords consists of an Editor, Assistant Editor, and seven reporters. The following description of the House of Commons reporting organization could apply equally well, with insignificant variations, to the similar but smaller organization of the House of Lords.

Hansard reporters occupy places in the Press (or Reporters') Gallery, a special trench which runs along the front of the gallery being reserved for them. They perform their reporting duties on a rota system, taking turns of ten minutes at a time. A second reporter

sits beside the duty reporter and takes a check note with him (a wise arrangement which helps to resolve any doubts which might occur in the transcript), whilst a third reporter awaits his turn to take over. On the completion of the duty reporter's turn the check reporter, who has been watching the clock, whispers 'Right' to his colleague and settles down to his own turn. The retiring reporter completes the sentence he is in the process of recording and departs to transcribe his 'take'. The reporter standing by slips into the seat beside the new duty reporter and takes over as check reporter, and at about the same time another reporter enters the gallery to take his place in the rotation. The job of a Hansard reporter is an arduous one and punctuality is one of his essential virtues. In his fraternity to be late for a turn of duty is the unpardonable sin, so intense and gruelling is the nature of his work.

Having completed a turn of duty a Hansard reporter immediately proceeds to transcribe his 'take'. He first dictates to a typist from his notes and then revises the transcript while the proceedings he has just recorded are fresh in his mind. Revision is limited to the correction of grammar, spelling, and punctuation, ensuring that the correct parliamentary forms are observed, striking out superfluous repetition, and making any amendments necessary in the interests of clarity, common sense, and good English. No material alterations may be made, nor any amendments which would in any way tend to change the sense of what has been spoken. The transcript must remain an accurate, and as far as possible an exact, report of what has been said. A certain amount of revision is bound to be necessary, however. For instance, the tangled sentence and confusion of ideas which are such common features of extempore speaking, particularly when subject to interruption, must be sorted out if they are to make sense when committed to paper; the split infinitive and other solecisms which frequently occur in speech must be corrected; the mixed metaphor and other varieties of *lapsus linguae*, those dreaded pitfalls in public speaking, must not be perpetuated in print; and the Member who refers to 'the Honourable and gallant Member' when he should have said 'the Right Honourable and learned Member' must have his error corrected in the transcript. The speeches of the poor speaker must be made to read as intelligibly as those of the master orator. A Hansard reporter requires more than a very high shorthand speed; a knowledge of parliamentary procedure, an excellent command of the English language, and plenty of sound common sense are highly important qualifications.

When a reporter has completed his transcript he takes it to the office of the Assistant Editor, after which he is free until his next turn of duty. The Assistant Editor and the two sub-editors are responsible for the preparation of the day's transcripts for publication. They read and assemble the transcripts and if necessary revise them further.

They, of course, have the advantage of being able to follow the continuity of the speeches individually and the debate as a whole. Sometimes, although not officially, the editors consult with members themselves for the sake of ensuring accuracy. A member has no right to alter his speech in any way, and it rests with the Editor as to whether or not a member's correction shall be admitted. Unless he can prove he has been misreported, a member may not change the sense of anything he has been recorded as saying; neither is he permitted to make any insertion as an afterthought, nor strike out a passage which he regrets having uttered. Hansard is an enduring historical record and nothing is allowed which would impair its accuracy. The record is not coloured in any way. Descriptive comments such as 'prolonged applause' or 'ironical cheers' (which frequently appear in press reports) are totally banned. A simple comment such as 'laughter' is admissible if referred to by a member in the course of a speech. Hansard is a plain, ungarnished record. No pride of place is given to any speech, and the immortal perorations of Sir Winston Churchill appear upon equal terms with the less inspired utterances of the humblest of back-benchers. Throughout the afternoon and evening of the normal parliamentary day Hansard transcripts flow continuously into the office of the Assistant Editor, and batches of corrected copy are taken by a messenger to the printing works of Her Majesty's Stationery Office at half-hourly intervals. On the following morning the daily part is printed and ready for distribution. In the event of an all-night or exceptionally late sitting a certain amount of copy must inevitably be held over, and the decision as to where the cut shall be made rests with the Assistant Editor.

Parliament reposes great confidence in the accuracy of Hansard, and on various occasions members, including the Speaker, have paid tribute to the Hansard reporters. It has often been asked why recording machines have not replaced shorthand writers for this work in view of the fact that a verbatim record is required. The answer to this is simply that no machine can edit the speeches it records. If Hansard reporting was merely a matter of taking down every word exactly as spoken, regardless of grammatical errors, cumbersome phraseology, and unfinished sentences, then a recording machine might profitably be used in preference to a human agency. As it is, a mechanically recorded report would require scrupulous editing which would need to be undertaken by a staff of editors not having the advantage of having heard the original speeches. Furthermore, the possibility of a mechanical breakdown would always be present. Nevertheless, at least two legislative chambers in the Commonwealth employ a mechanical means of recording debates, these being the South African Senate and the Canadian provincial legislature of Saskatchewan. Elsewhere parliamentary debates are reported in the same manner as at



Westminster, and the term 'Hansard' is in general use throughout the Commonwealth.

Although Hansard is the official report of parliamentary debates it is not the official record of Parliament's *proceedings* and cannot be accepted as such in a court of law, (see Speaker's Rulings of 16 and 17 February 1949: Hansard, vol. 461, cols. 1146-7 and 1347-50).

**HISTORY OF HANSARD.** The history of Hansard is inextricably bound up with the struggle between Parliament and the Press over the reporting of parliamentary debates in the newspapers. For many years Parliament regarded any report of its proceedings as a breach of privilege (see PRIVILEGE, BREACH OF) and technically still regards it as such to-day. In opposing the Press, however, Parliament also found itself in conflict with public opinion and was forced to relax its attitude. But whilst resigning itself to the fact that newspaper reports could not be suppressed, Parliament continued to forbid the actual taking of notes in the Public Gallery. This ban is still in operation to-day, although the Press are no longer affected by it now that they have their own gallery. Before special provision was made for them, newspaper reporters were severely hampered by this ban on taking notes; they were forced to rely upon their memories and as a result the reports of debates which appeared in the Press were usually garbled and inaccurate versions. By the beginning of the 19th century Parliament had come to regard the Press with more tolerance. Reporters were taking notes quite openly and without fear of ejection, and soon the back row of the Public Gallery was exclusively reserved for them. After the fire of 1834 the Press began to come into their own. In 1835 the first Press Gallery was opened in the temporary House of Commons chamber, and when Sir Charles Barry's new Parliament building was opened in 1852 both chambers included a gallery for the exclusive use of reporters. Parliament had at long last recognized the claims of the Press. In the House of Lords the Reporters' Gallery faces the Throne and in the House of Commons it is above the Speaker's Chair. The Commons chamber designed by Barry was destroyed in 1941, but the Press Gallery is similarly situated in the new chamber which was opened in 1950.

In 1803 William Cobbett began to include a regular report of parliamentary debates in his *Political Register*. There was, of course, no attempt at verbatim reporting at this time, but the innovation was a great step forward as Cobbett brought a high spirit of integrity and fair-mindedness to his task which kept his report free from any partisan bias. After eight years he sold his interest to a printer named Thomas Curson Hansard, who was the son of Luke Hansard, the printer to the House of Commons. In its early years Hansard was compiled from newspaper reports and appeared at monthly intervals. It competed against a number of rival concerns including *The Mirror*

of *Parliament* which at one time employed Charles Dickens. In 1855, however, the Hansard concern was threatened with bankruptcy from which it was rescued by a sales guarantee of one hundred sets on the part of the Treasury. In 1878 a Select Committee was appointed to consider the entire question of parliamentary reporting, and as a result of its recommendations Hansard received a partial subsidy from the Stationery Office on condition that the quality of the report was improved. Towards the fulfilment of this condition the first Hansard reporter was appointed and charged with the duty of attending the debates himself and supplementing the material drawn from newspaper reports. The standard of the report continued to be inadequate, and ten years later another Select Committee recommended a wider measure of Government control. It urged that the work should be carried out upon a contract basis, the contractor to employ a staff of reporters who could maintain between them a constant attendance in the gallery. As a result of this recommendation the concern passed from the control of the Hansard family. They were unable to satisfy the conditions required and in 1890 they sold their interest to a company called the Hansard Publishing Union, which itself soon became bankrupt. Thenceforward the contract was held by a series of different firms which all failed to make a success of it. The report was issued in volumes at intervals of roughly a month. Speeches were not fully reported, verbatim notes were only taken on special occasions, and the standard of accuracy was not high. At last, in 1907, a Select Committee recommended that the reporting of debates should be entirely taken over by the Government. This recommendation was accepted, and in 1908 the appointment of an Editor of Debates and ten reporters to the staff of the House of Commons was announced. Their joint task was to be the compilation of a complete and accurate verbatim record of the debates of the House, and in 1909, in conformity with this requirement, appeared the first Official Report of the debates of the House of Commons. The House of Lords did not at first follow the example of the Commons. Prior to 1909, a summary of the Lords' debates had been included in the same volume with the Commons' debates. Since that year the debates of the upper House have been separately published, and in 1920 they too were taken over by the Stationery Office.

Since 1909 Hansard has never looked back, and the very name is now officially recognized. In 1892 the word 'Hansard' was dropped and the report became known as the 'Authorized Edition' of parliamentary debates. In 1909 it became the 'Official Report', and has remained so ever since, but in 1943 the word 'Hansard' was restored and now appears in brackets upon each title page.

*See also* PARLIAMENTARY DEBATES; PARLIAMENTARY HISTORY; PRESS AND PARLIAMENT.

**HANSARD, LUKE (1752-1828)**

The printer of the Journal of the House of Commons (q.v.) from 1774 until his death. His biography was written by J. C. Trewin and E. M. King under the title *Printer to the House*, and published in 1952.

**HANSARD SOCIETY FOR PARLIAMENTARY GOVERNMENT**

Founded on 2 August 1944, the Hansard Society for Parliamentary Government is a supra-national, non-profit-making, unofficial educational body dedicated to promoting the cause of the institution of parliamentary government in all its democratic forms. The name *Hansard* is derived from the circumstance that the Society in its present form evolved from a small body called the *Friends of Hansard* founded by Sir Stephen King Hall in 1940. From these small and struggling beginnings the Society has acquired a secure and honoured international status. It is the only body in the world undertaking this work. The government of the Society is vested in an international council elected annually by the members, who are either individuals or corporate members (firms, schools, Trade Unions and other associates). Since 1944 Sir Stephen King Hall has been elected Chairman of the Council and Honorary Director of the Society.

The Society publishes a quarterly journal entitled *Parliamentary Affairs*, the first issue of which appeared in the winter of 1947. It contains articles by distinguished contributors on every aspect of parliamentary institutions throughout the world. The Society also publishes books and pamphlets on parliamentary subjects. It has recently established American and African sections and a research department. The American section is at present promoting knowledge in British schools of the American system of government, and the African section is engaged on educational work in the service of West Africans. In 1957 the Ford Foundation made it a grant of £5,000 p.a. for five years. The expanding activities of the Society include the organization of lectures, exhibitions and other educational work, particularly in schools. The work of the Society is financed by subscriptions from its two categories of membership (approximately 1,000 individuals and 450 corporate members) and donations. It is not liable for tax.

Institutions and individuals desirous of knowing more about the work of the Society, the privileges of membership, etc., should apply to The Secretary, The Hansard Society for Parliamentary Government, 39 Millbank, London, S.W. 1.

**HANSARD, THOMAS CURSON (1776-1833)**

Eldest son of Luke Hansard, he began to print the Parliamentary Debates (q.v.) for Cobbett's *Political Register* in 1803. In 1812 he bought the interest from Cobbett and it remained with the Hansard family until it was resold in 1890.

**Hatsell, John (1748-1820)**

**HATSELL, JOHN (1748-1820)**

Clerk of the House of Commons from 1768 until his death in 1820 and a leading authority on parliamentary practice. Redlich describes Hatsell and Sir Thomas Erskine May (q.v.) as 'the two distinguished writers on whose systematic works our whole acquaintance with the historic and current law of Parliament is based'. Hatsell's greatest and most valuable work was his prodigious collection of precedents which was first published in four volumes in 1781 under the title *Precedents of Proceedings in the House of Commons, under separate titles; with observations*. The best edition of this work is the fourth, published in 1818 with additions by Speaker Abbot. Hatsell was also the author of *A Collection of Cases of Privilege of Parliament, from the earliest records to 1628*, published in 1776.

Although Hatsell retired from the practical exercise of his duties in 1797 and appointed a deputy, John Ley, to carry on in his place, he remained titular Clerk of the House until his death. He continued to draw the emoluments attached to the office, sharing them with Ley, and remained in occupation of the Clerk's official residence. (See Williams, O. C., *The Clerical Organization of the House of Commons, 1661-1850*. Oxford University Press, 1954.)

**HAXEY, THOMAS, CASE OF**

The earliest recorded instance of the Commons asserting their right to liberty in conducting their proceedings was in 1397 when the Lords, at the instigation of Richard II, convicted Thomas Haxey of treason for his work in connexion with a Bill to which the King took exception. In the first Parliament of the following reign the Commons petitioned for a reversal of the judgment on the ground that it was 'against right and the course which had been usual in Parliament in violation of the customs of the Commons'. The petition was allowed and an important principle of privilege was thus recognized. Although this case is often regarded as having led to the first affirmation of the Commons' privilege of freedom of speech this assumption is not strictly correct since Haxey himself was not a member. The first specific claim for freedom of speech, also successful, was not made until 1455 when a member, Sir Thomas Yonge, complained of having been imprisoned for words he had spoken in the House, 'notwithstanding that by the old liberty and freedom of the Commons of this land had, enjoyed and prescribed, from the time that no mind is, all such persons as for the time being assembled in any Parliament for the same Commons, ought to have their freedom to speak and say in the House of their assembly, as to them is thought convenient or reasonable, without any manner of challenge, charge or punishment'.

'See also PRIVILEGE.'

## **HEALING PARLIAMENT**

The Convention Parliament (q.v.) which met on 25 April 1660 and restored Charles II to the throne a few days later. This action, it was hoped, would 'heal' all remaining wounds and differences existing in the nation.

## **HEALTH MINISTER**

His department was created in Great Britain by the Ministry of Health Act in 1919, and he was made responsible for all matters affecting the health of the country, including research, the publication of statistics, and national health insurance. The Minister also took over the supervision of the local authorities from the Local Government Board (created in 1871), but in 1951 these matters, with the exception of public health, were taken over by the Minister of Local Government and Planning, who has now become the Minister of Housing and Local Government. Under the National Health Service Act of 1946, the Minister of Health has the duty of providing a comprehensive health service for England and Wales designed to secure improvement in the physical and mental health of the people and the prevention, diagnosis, and treatment of illness.

The Health Minister's salary is £5,000 per annum, and that of his Parliamentary Secretary £2,500. Both are entitled to an additional £750 if they sit in the House of Commons. A chronological list of holders of this office appears as Appendix 18.

## **HENRY I (1068–1135)**

Youngest son of William I, crowned King of England 5 August 1100. He succeeded his brother, William II, and issued a charter of liberties on his accession.

## **HENRY II (1183–1189)\***

The first Plantagenet King, son of Matilda, only daughter of Henry I, and Geoffrey Plantagenet. He was crowned King of England on 19 December 1154. His first act upon his accession was to issue a charter of liberties. He initiated many great reforms in government and established the rule of law.

*See also* PARLIAMENT.

## **HENRY III (1207–1272)**

Eldest son of John, succeeded his father while still a minor and was crowned on 28 October 1216. He was confirmed in his title on 17 May 1220, when a second coronation took place. His reign is an important one in the early development of Parliament (q.v.). It was in the age

## **Henry IV (1367-1413)**

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of Henry III that the term 'Parliament' first came to be regularly used and that the national assembly of the realm began to develop representative characteristics (*see* SIMON DE MONTFORT'S PARLIAMENT).

## **HENRY IV (1367-1413)**

Son of John of Gaunt, was acclaimed King by Parliament on 30 September 1399, the day of the deposition of Richard II. The first King of the House of Lancaster, Henry re-established the monarchy upon a constitutional basis and adhered to the principle of government through Parliament (q.v.).

## **HENRY V (1387-1422)**

Eldest son of Henry IV by his first wife, succeeded his father on 20 March 1413. Although in his short reign he distinguished himself as a warrior rather than as an administrator, he was a just and constitutional ruler who maintained good relations between the Crown and Parliament (q.v.).

## **HENRY VI (1421-1471)**

The only son of Henry V and Catherine of France, succeeded his father on 31 August 1422, whilst still an infant. On 18 November 1423 he attended the Opening of Parliament (q.v.) at Westminster in his mother's arms. The reign of this weak and ill-fated monarch was torn by strife, and the history of Parliament has never been more turbulent than at this period, its powers falling into the hands of the factions engaged in the Wars of the Roses. Henry VI came to a violent end on 21 May 1471, at the hands of his Yorkist adversaries.

## **HENRY VII (1457-1509)**

Son of Edmund Tudor, Earl of Richmond, and grandson of Catherine, widow of Henry V, defeated Richard III at Bosworth in 1485, and although his title was questionable, he was crowned King of England on 30 October of that year. He greatly strengthened the monarchy and left it secure for his successor.

## **HENRY VIII (1491-1547)**

Second son of Henry VII, succeeded his father on 22 April 1509. During his reign the power of the Crown reached its height, and although he ruled theoretically through Parliament (q.v.) the legislature became, in reality, nothing more than the instrument of the King's will. The two major developments in the parliamentary history of the reign were the emergence of the House of Commons as the stronger of the two Houses and the total destruction of the parliamentary influence of the Church.

## HIGH COURT OF PARLIAMENT

This expression now refers to the legislature, but it is a reminder that the British Parliament was, and still is, a court—the highest court in the land. In those distant ancestors of Parliament, the Witenagemot and the *Curia Regis* (q.v.), the judicial, executive, and legislative powers were fused, and although the function of some early Parliaments, such as the Model Parliament (q.v.) of Edward I, was primarily judicial, at the end of the 14th century both Houses passed resolutions that the judicial power of Parliament was not vested in the House of Commons. The jurisdiction of the House of Lords, after its separation from the *Curia* in the reign of Edward III, extended to trial of peers by peers for treason or felony (*see* PEERS), appeals from the common law courts, and (after 1376) impeachment (q.v.). All that remains to the House of Lords is its appellate jurisdiction (*see* HOUSE OF LORDS) and judicial functions with regard to claims to ancient peerages. It also shares with the Commons certain judicial functions with regard to their privileges and in connexion with Private Bills (q.v.), where the procedure assumes a quasi-judicial character when counsel and witnesses are heard on behalf of contending parties.

A Committee of Inquiry may be set up by either House, and under the Tribunals of Inquiry (Evidence) Act of 1921 has all the powers of the High Court as regards examination of witnesses and production of documents. Tribunals were so appointed in 1936 to inquire into a leakage of information about the forthcoming Budget and in 1948 (the Lynskey Tribunal, Cmd. 7616) to investigate allegations of bribery and corruption in Government circles.

South Africa in 1952 passed a High Court of Parliament Act which laid down that any past or future judgment of the Appellate Division declaring any Act of Parliament invalid was to be subject to review by the High Court of Parliament, 'which shall be a court of law'. It was to consist of every Member of Parliament with a president appointed by the Governor-General. The object in creating this High Court was to reverse a decision by the Appellate Division that an Act putting coloured voters on a separate roll was invalid, but on application by coloured voters to the Cape Provincial Division the High Court of Parliament Act was declared null and void, and on appeal by the Government to the Appellate Division this judgment was confirmed. (The standard work on this subject is *The High Court of Parliament and its Supremacy*, by C. H. McIlwain, Yale Univ. Press, 1934.)

## HISTORY OF PARLIAMENT TRUST

In May 1928 Josiah Wedgwood (later Lord Wedgwood) began to organize a petition to the Prime Minister for the compilation of a

## Home Secretary

parliamentary history, and within a few months had collected the signatures of 200 Members of Parliament. In March 1929 a departmental committee was appointed to consider the whole question, and their interim report published in 1932 strongly advocated that the work of compiling a full record of Parliament, including biographies of members and a reconstruction of procedure, should be set on foot. Wedgwood subsequently set to work to raise the necessary funds by private subscription, and in 1934 the Government agreed to put up one-half of the estimated cost (£30,000) if subscriptions were sufficient to cover the remainder. The first two volumes were published in 1936 and 1938, and in 1940 the History of Parliament Trust was founded. Lord Wedgwood died in 1943, but the Second World War had already brought the scheme to an end, and its assets and historical collections were put in the care of trustees. In 1951 the Chancellor of the Exchequer announced that the Government would give financial support to a revised and improved scheme by means of annual grants-in-aid. Trustees were drawn from both Houses, and an Editorial Board was invited to direct the preparation of the History. A basic feature of the new History, which will be divided into sections of roughly forty years, will be its concise biographies of Members of the House of Commons. Each section will be published as soon as it is ready, and the new volumes will replace those issued under Wedgwood's supervision. Work on the new History began officially in 1953, and the Board hopes that two sections will be completed during 1959.

## HOME SECRETARY

The office of Secretary of State for the Home Department originated in 1782, when the work of the two Secretaries of State (q.v.) then existing was divided into Home Affairs and Foreign Affairs. The Secretary of State for Home Affairs was also responsible for Ireland and the Colonies until they were taken over by additional secretaries. The Home Secretary is the medium of communication between the Church of England and the Queen, the British Government and Northern Ireland, the Isle of Man, and the Channel Islands, and he collaborates with the Secretary of State for Scotland on certain matters affecting that country. He is responsible for the administration of justice, apart from matters dealt with by the Lord Chancellor (q.v.), which includes the appointment of the Director of Public Prosecutions, the exercise of the Royal Prerogative of mercy, direct control of the Metropolitan Police and indirect supervision of the local forces, and the prisons and probation of offenders. Among the large variety of affairs also within the province of the Home Secretary are the naturalization and supervision of aliens, the preparation of registers for parliamentary and local elections, the Fire Service, Civil Defence, and miscellaneous duties imposed by the two Children Acts of 1933 and 1948 and the Shops Acts.



This Minister is invariably in the Cabinet and his salary is £5,000 per annum. He is entitled to a further £750 if he sits in the House of Commons. A chronological list of Home Secretaries appears as Appendix 19.

The Home Secretary's counterpart in Australia is the Minister for the Interior, in South Africa the Minister of the Interior, in New Zealand the Minister of Internal Affairs, and in Ceylon and the Federation of Rhodesia and Nyasaland the Minister of Home Affairs. In India he is called the Minister of Home Affairs and States and in Pakistan the Minister of the Interior, States, and Frontier Regions. In Canada, the Departments of Mines, Interior, Immigration and Colonization, and Indian Affairs were organized into a new Department of Mines and Resources in 1936. This has now become the Department of the Minister of Resources and Development.

### HOME SECURITY, MINISTER OF

Created in 1939, this office was first held by Sir John Anderson (afterwards Viscount Waverley) concurrently with that of Home Secretary (q.v.). Herbert Morrison, who was appointed Home Secretary in 1940, was also appointed Minister of Home Security, which office he held until 1945, when the latter ministry was abolished. The Minister was responsible for civil defence and air-raid precautions, which have now been taken over by the Home Secretary.

### HONG KONG LEGISLATIVE COUNCIL

Great Britain took formal possession of Hong Kong in 1841, and the Legislative Council, established under the Royal Charter which made the island a separate Colony, first met in 1844. Until 1858 the Council met *in camera*. Unofficial members first made their appearance in 1850, and the present composition of the Council includes 8 unofficials, 3 of whom are Chinese, 1 Portuguese, and 1 Indian. Nine official members and the Governor as President complete the Council. The Executive Council now comprises the Governor, 4 *ex-officio* and 6 unofficial members, including 3 Chinese and 1 Portuguese, and 1 nominated official member. A notable variation from House of Commons procedure is that on the first reading of a Bill the mover explains its object and the reasons for introducing it. The Legislative Council occupies an annexe to the Secretariat Wing of the new government offices, which is equipped with two radio booths for broadcasting debates and commentaries. The Chamber is fan-shaped and provides accommodation for the Press and about eighty seats for the public.

### HOUSE OF ASSEMBLY

The name given to the lower Houses of the Parliaments of South Africa, the Bahamas, Barbados, Bermuda, South Australia, and

## House of Commons

Tasmania. It is also applied to the unicameral legislatures of Newfoundland and Nova Scotia.

### HOUSE OF COMMONS

The lower House of the British Parliament, consisting of 630 members, including the Speaker (q.v.), elected by popular franchise and each representing a specific constituency of the United Kingdom. England returns 511 members, Scotland 71, Wales 36, and Northern Ireland 12. The numerical strength of the House has been altered from time to time by various Acts of Parliament. In 1900 there were 670 members, and in 1918 the number was increased to 707. In 1922, after the establishment of the Irish Free State, the number was reduced to 615, at which figure it remained until 1935 when it was increased to 640. The effect of the Representation of the People Act, 1948, was to reduce the membership to 625 with effect from 1950, and also to abolish the 12 university seats, the 12 double-member constituencies, and the business vote. In 1955 5 extra seats were allocated to England, bringing the total to its present figure of 630, Scotland, Wales, and Northern Ireland remaining unaffected by the increase.

The House of Commons is the lower House in name and tradition only. In reality it is the more powerful of the two Houses of Parliament. The Government depends for its existence upon the support of a majority of the Commons and is answerable to the House for all its actions. It must at all times be prepared to justify itself in the House, where it can expect to be subjected to constant criticism of its policy and administration. Members of the Opposition enjoy exactly the same rights and privileges as members who support the Government, and when in the House the Prime Minister himself has no privileges beyond those of any other member. All major legislation is initiated in the House of Commons, and no law can be enacted unless it is passed by a majority of the members present. The House of Commons also has exclusive control over the nation's finances, and no Supply can be granted nor taxation levied without the Commons' approval.

Just as the Government is responsible to the House of Commons, so are the Commons responsible to the country. The Commons have been representative in character from the earliest times, even though universal adult suffrage is a very recent institution. The principle of appealing to the country for the ultimate decision as to who is to govern, and the official nature of the Opposition's functions, are essential to the modern parliamentary system, which provides the means whereby a change of government can be effected without causing disruption to the life and economy of the country. It is a system which was developed through centuries of conflict between the Crown and the Commons before it became finally established in its present form.

**HISTORY OF THE HOUSE OF COMMONS.** The Commons made their first appearance in Parliament during the 13th century, when the practice arose of summoning the knights and burgesses of the shires and towns in addition to the bishops, earls, and barons. The precedent was created as a result of the King's ever-increasing financial needs. Before the Great Charter, King John had been forced to rely more and more upon extraordinary revenues for the prosecution of his wars and the indulgence of his other extravagances, and had raised the money principally by means of scutages, a form of regular taxation. The Great Charter, which resulted from the action taken by the barons to check the abuses of this monarch, forbade the King to levy scutages 'except by common counsel of our kingdom'. In drawing up the Charter the barons had not calculated on the Commons having any voice in the counsels of the kingdom, but as the royal requirements increased the King was forced to seek aids from the shires and boroughs as well as from the nobility. Under the feudal system of local government the shires and boroughs were self-contained communities or 'communes'—hence, Commons—which had achieved a considerable measure of self-government including the right to assess their own taxes. In 1254, as a result of the Lords' reluctance to take the responsibility for raising the supplies demanded by the King, two knights from each county were summoned to the Parliament, and in 1265 there also came two citizens from each city and two burgesses from each borough.

In the reign of Edward I, Parliaments began to assume a more representative character, although the purpose of summoning the Commons remained solely a financial one. The King had need only of their money, not their counsel. The Parliament of 1295, known as the Model Parliament (q.v.), was the most fully representative that had ever been called, and included the lower clergy for the first time. The 14th century saw the emergence of the Commons as a separate body, sitting and deliberating independently of the Lords. They now began to assert themselves, for the dependence of the Crown upon the Commons for the grant of aids and supplies gave them a strong bargaining power. In 1348 they demanded redress of their grievances before they would grant Supply, a practice which they claimed as a right and were to adopt on many subsequent occasions. The influence of the Commons upon legislation also becomes apparent in this century. Thanks to that very effective weapon, the power to withhold Supply, the King was compelled to make concessions to the Commons. Thus the measures they proposed to remedy the nation's grievances came to be accepted, and they gradually became the initiators of legislation instead of mere petitioners.

Successive monarchs endeavoured to circumvent Parliament by employing various extra-parliamentary devices to raise the revenues they required. These took the form of various taxes, compulsory

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gifts, or loans, and, in the reign of James I, the sale of titles. It was natural that these tactics should provoke protests from the Commons, and there began the long struggle to establish the principle that no taxation should be levied without the consent of Parliament. It was finally conceded at the Restoration when parliamentary control of taxation was accepted by the King and has never since been challenged. By this time the supremacy of the Commons over the Lords in matters of finance had also been established. As far back as 1395 grants were made 'by the Commons with the advice and assent of the Lords', and by the end of the 17th century even the right of the Lords to amend Money Bills had fallen into abeyance. It was not until the Parliament Act of 1911, however, that the Lords were finally deprived of their right to reject financial legislation.

Having gained control over taxation it was a logical development that the Commons should also establish control over expenditure. This, the final financial victory, was accomplished during the reign of George III, whose repeated extravagances made such deep inroads into the Civil List revenues that the Commons raised their voices in protest. In 1777 they refused to pay one of the royal debts until accounts had been presented. Their control of expenditure was confirmed in 1782 when the King agreed, under pressure from Lord Rockingham, to certain reforms, including that of the Civil List.

The modern parliamentary system, whereby the Government depends upon the support of a majority in the Commons in order to govern effectively, began to evolve after the Revolution of 1688. The right of the Sovereign to choose his ministers had never been challenged and although after the revolution the King had regard for the feelings of Parliament in selecting them, they were not controlled by, nor responsible to, either House. A ministry did not automatically resign, as is the custom to-day, if an election returned a hostile majority to the House of Commons. Both William III and Anne, however, found themselves compelled to adjust the composition of their ministries according to the political complexion of Parliament, as parliamentary support for the administration proved to be necessary to effective government. The year 1712 marked an important development in the establishment of the supremacy of the Commons over the Lords, when a predominantly Tory lower House came into conflict with the Whig majority in the Lords, who threatened to reject the Peace of Utrecht. The deadlock was broken by the creation of a sufficient number of Tory peers to ensure its acceptance by the upper House. As the head of the government it was customary for the Sovereign himself to preside over the ministry, but when George I withdrew from an active part in government a new presiding officer had to be found. In assuming this position, Sir Robert Walpole became the first, although unofficial, Prime Minister (q.v.). He had been appointed First Lord

of the Treasury (an office which has come to be associated with that of Prime Minister), and unlike previous chief ministers he had not accepted elevation to the peerage but had chosen instead to remain a Member of the House of Commons. He thus became answerable in the Commons for the conduct of the administration as a whole. For twenty-one years he commanded a majority in the Commons, but when in January and February of 1742 he suffered two defeats at their hands, he resigned office, and thus established, if only fundamentally, the principle that the Government is responsible to the House of Commons and reliant on its support. In 1782 the principle was carried a considerable stage further when Lord North's entire ministry resigned because of insufficient support in the Commons for the Government's policy. After the passing of the Reform Bill, which effectively destroyed all means of predetermining the result of an election, the power of the Commons to decide the political complexion of the Government was finally confirmed.

The House of Commons has always been a representative assembly, and there is evidence of the responsibility of the member to his constituency as early as 1339, when the Commons declared themselves unable to grant an aid without first consulting those they represented. Indications of the modern relationship between the member and his constituents become apparent after the Restoration, but nearly three centuries were to elapse before the right to vote was won for every adult citizen. (For the history of the franchise *see under the heading REPRESENTATION.*)

**ADMINISTRATION OF THE HOUSE OF COMMONS.** The House of Commons is under the overall authority of the Speaker, but for administrative purposes the staff are organized into three departments, one being under the Speaker's direct control, the other two being controlled by two of the chief permanent officers of the House, the Clerk of the House and the Serjeant-at-Arms respectively.

The Speaker's Department includes his Counsel, Secretary, Chaplain and Trainbearer, the Librarian and his staff, the Editor of Debates and his staff of Hansard reporters, an Examiner of Petitions for Private Bills, the Vote Office, which attends to the issue and circulation of parliamentary papers to members, and the Fees Office, which is responsible for the collection of fees for Private Bills and the payment of members.

The Department of the Clerk of the House includes the Clerk Assistant, the Second Clerk Assistant, and the Fourth Clerk-at-the-Table, the three permanent officers next in seniority to the Clerk himself, and a number of separate offices each in charge of a Principal Clerk. The Public Bill Office is responsible for the printing of Public Bills during the various stages of their passage through the House, for

## House of Commons

communications with the House of Lords regarding Bills after they are passed, and certain duties in connexion with the financial procedure of the House. The clerks for Standing Committees are drawn from the staff of this office. In the Journal Office is undertaken the compilation of the annual Journal of the House of Commons and the daily Votes and Proceedings. The Committee Office and the Financial Committees Office supply the clerks for select and sessional committees, the latter office being responsible for the Committee of Public Accounts and the Select Committee on Estimates. The Private Bill Office is concerned with the passage of Private Bill legislation, and clerks for Private Bill Committees are drawn from this office. The Table Office is responsible for the preparation of the Notice Paper and the Order Book and for generally assisting the Clerks-at-the-Table.

The Department of the Serjeant-at-Arms controls the upkeep and maintenance of the House of Commons, the admission of strangers, and the conduct of all persons within the precincts of the House. The doorkeepers, storekeepers, attendants, office keepers, watchmen, cleaners, and the police assigned to duty in the House of Commons come under the supervision of this department. The Serjeant-at-Arms is assisted by a Deputy Serjeant and an Assistant Serjeant, who control the accounts and the office routine respectively.

**MEETING-PLACES OF THE HOUSE OF COMMONS:** The earliest recorded meeting-place of the House of Commons is the Painted Chamber of the House of Lords where the knights, citizens, and burgesses assembled in 1341. In 1352 the Commons met in the Chapter House of Westminster Abbey, and in 1358 in the Little Hall or White Hall which later became the Court of Requests. The Chapter House was used again in 1384 and probably on a number of other occasions during the 14th century, but no reference to it appears in the existing records after 1395. During the next twenty years the Refectory of the Abbey was used as their debating chamber. No further record appears until 1547 when the Commons acquired their permanent meeting-place, St. Stephen's Chapel. It was granted to them by Edward VI and it remained their Chamber for nearly three hundred years until its destruction by fire in 1834. After the fire the Commons moved into the Court of Requests, which was vacated by the Lords who moved into the Painted Chamber. Here they remained until the new Commons Chamber, built by Sir Charles Barry, was ready for occupation in 1852. This was the Chamber which was destroyed by a German bomb on the night of 10 May 1941, when the Commons were forced to move again. They moved temporarily into Church House in Great Smith Street and, shortly afterwards, for the second time in their history, they took over the Chamber of the House of Lords for their deliberations, the Lords moving into the King's Robing Room. In December 1943, a Select

Committee was appointed to consider the rebuilding of the Commons' Chamber, and recommended that its design should be in the style of the old one. The new Chamber was designed by Sir Giles Gilbert Scott and was officially opened on 26 October 1950.

**THE NEW CHAMBER.** The style of the new Chamber is a form of Gothic which retains characteristics similar to those of the one designed by Barry. It stands upon the original foundations of the former Chamber and has the identical floor dimensions, 68 feet by 45½ feet. Above the level of the galleries the dimensions are larger, 103 feet by 48 feet, thus providing additional seating capacity for visitors. It is 46 feet in height and has a shaped ceiling composed of a large number of glass panels which admit most of the light which illuminates the Chamber, but which are so coloured as to give them the appearance of oak in daylight. There is seating capacity for 437 members; thus, whenever an important debate draws a large majority of the members into the Chamber the latecomers are forced to stand.\*

A number of modern refinements have been incorporated into the design. Heating and ventilation are controlled by means of air conditioning plants which adjust the temperature and humidity to the desired degree. The Chamber is lit by 150 glass daylight panels, each with a fluorescent tube mounted in front of a reflector. In addition there is a system of indirect floodlighting to illumine the ceiling and subsidiary lights have been placed under the galleries. The lighting system can be regulated to provide the required degree of illumination. The Chamber is provided with microphones and miniature loudspeakers set into the backs of the seats.

Much of the furniture of the Chamber consists of gifts from the countries of the Commonwealth and Empire. The Speaker's Chair was presented by the Commonwealth of Australia, the entrance doors are the gifts of India and Pakistan, and the Table of the House came from Canada. The Union of South Africa presented the three Clerks' chairs, the Serjeant-at-Arms' chair came from Ceylon, and the two despatch boxes from New Zealand. A complete list of the gifts appears as Appendix 3.

## HOUSE OF COMMONS, CANADA

*See CANADIAN PARLIAMENT.*

## HOUSE OF COMMONS PAPERS

A series of papers, numbered from 1 onwards throughout the session, which bear on their covers the words 'ordered by the House of Commons to be printed'. They include reports and returns which have to be presented to the House in pursuance of some special provision in an Act; reports from Government officials produced in

## House of Keys

compliance with a direct order of the House, including the detailed financial statistics accompanying the Estimates, and returns from the Treasury, Post Office, and Revenue departments. Reports of Select Committees and Minutes of Standing Committees also appear as House of Commons Papers. These papers are listed as presented in Votes and Proceedings and the Journal, and are available to members on demand at the Vote Office. House of Lords Papers include Bills and are numbered in parentheses in one sequence.

## HOUSE OF KEYS

*See* MANX PARLIAMENT.

## HOUSE OF LORDS

The upper House of the British Parliament—the oldest and largest hereditary second chamber in the world. There are now some 860 members of the House of Lords, including royal princes, archbishops, dukes, marquesses, earls, viscounts, bishops, and barons in that order of precedence.

All duly qualified peers who have attained twenty-one years of age, not being aliens, bankrupts, or lunatics, nor serving sentence after conviction, are entitled to a summons to attend Parliament. Peeresses are deemed ineligible to sit in the House, although they may hold a peerage in their own right. For administrative purposes the House of Lords is divided into departments presided over by the Lord Chancellor, the Chairman of Committees, the Clerk of the Parliaments, the Gentleman Usher of the Black Rod, the Librarian, and the Lord Great Chamberlain.

The early House of Lords was small and, before the Reformation, when the abbots and priors were summoned, spiritual peers were in the majority—in 1301 in addition to the 2 archbishops and 18 bishops there were 80 abbots and priors who were entitled to sit in the House, while in those times the temporal peers rarely exceeded 50. This number was increased under the Stuarts, but it was not until the 18th century that the lavish creation of peers began, and between 1880 and 1920 433 new lords were added to the Roll. Of the existing peerages only a very small proportion are really ancient. These early peerages were created by writ of summons to Parliament, but from the end of the 14th century the practice grew up of creating a peerage by the more formal method of granting letters patent. This system superseded the earlier one under which the right to attend Parliament as a peer depended on a writ of summons having been issued to an ancestor, though whether this was how the hereditary factor originated in the peerage has been disputed. Apart from the hereditary and spiritual peers, the House of Lords includes the representative peers (q.v.) of Scotland and Ireland and the judicial life peers (q.v.). A list of the



**Lords Temporal** is prepared by the Garter King of Arms, and a copy of this Roll of the Lords inscribed on parchment is laid by him on the Table of the House at the beginning of every session of Parliament. This Roll was first laid in 1621, and a similar Roll, including the Lords Spiritual, has been laid upon the Table by the Clerk of the Parliaments and ordered to be printed by H.M. Stationery Office since 1827.

The House of Lords is the lineal descendant of the Great Council or King's Council, of the Norman and Plantagenet Kings, with which the Saxon Witenagemot (q.v.) was deemed to be incorporated. The Lords became separated from the Commons in Parliament in the reign of Edward III, and the upper House became a definite body, although it was not called the House of Lords until the 16th century. The removal of the abbots and priors during the reign of Henry VIII ended for ever the ecclesiastical majority in the House of Lords, and the increase in the number of temporal peers went on rapidly during the reign of the earlier Stuarts. A week after the execution of Charles I the monarchy and the House of Lords were abolished by unanimous vote of the Commons, in spite of their previous declarations that they intended to respect the rights of the peers. The House of Lords was restored in the Convention Parliament of 1660 by no special Act or resolution—it reassembled with no greater formality than was customary after an adjournment. The bishops, who had been excluded by an Act of the Long Parliament, were still absent, but were readmitted by an Act passed by the next Parliament in 1661. After the Restoration the two Houses were on a more or less equal footing, but throughout the 18th and early 19th centuries the composition of the House of Commons was to a large extent controlled by peers who, as the patrons of parliamentary boroughs, were able to nominate their own candidates at elections. This state of affairs was remedied by the Reform Act of 1832, but although the House of Commons came into its own, the powers of the House of Lords remained formidable. Deadlock between the two Houses became a frequent occurrence and Liberal Governments found themselves unable to implement their legislative programmes on account of the obstruction of the Lords. It was a situation which could not continue, and the crisis came in 1909 when the Lords rejected the Finance Bill. Two years later the first of the Parliament Acts (q.v.) deprived the House of Lords of most of its effective power. The House of Lords is a typical example of the British aptitude for adapting ancient institutions to modern requirements. Originally the more powerful of the two Houses, it is to-day a second Chamber very much subordinate to the popular House, but owing to its considerable prestige it can still influence the course of legislation and the affairs of the nation.

The most important difference between the work of the two Houses of Parliament is the strict limitation of powers for dealing with finance

## House of Lords

which are imposed on the House of Lords. Henry IV in 1407 assented to the principle that money grants were to be initiated by the Commons, but it was not until after the Restoration by the resolutions of 1671 and 1678 that they asserted their exclusive right to control taxation. These resolutions were emphasized in 1860, at the time of the dispute between the two Houses over the repeal of the paper duty, when the House of Commons passed a famous resolution to the effect that the Lords ought not to impose or amend any legislation which imposed a charge on the people, or interfere in the administration or application of money raised by such a charge. The rejection of the Finance Bill by the Lords in 1909 resulted in the Parliament Act, 1911, which drastically curtailed the powers of the upper House. Its effect was to remove from the House of Lords all power but that of a limited delay. The Act, as amended by the Parliament Act, 1949, provides that any Bill passed by the House of Commons but rejected by the House of Lords can become law after one year, or in the case of a Money Bill (q.v.) after one month.

(See also PRIVILEGE, FINANCIAL.)

Until the 19th century the procedure of both Houses of Parliament was very similar, but since then the changes in the procedure of the Commons have been very much more drastic owing to the effect of the Reform Acts, the necessity of counteracting obstruction of business, and the increasing pressure of Government business. The rules of debate and the methods of maintaining order are very different in both Houses, and this arises from the difference between the Speaker of the House of Commons and the Lord Chancellor, who, although he is called the Speaker of the House of Lords, is appointed like a minister from the ranks of the party in power and can support it by taking part in debates. This he does by moving away from the Woolsack (q.v.), which is said not to be within the confines of the House, to show that he is speaking as a peer and not as Speaker. Also unlike the Speaker of the House of Commons, he votes in divisions but has no casting vote, is not responsible for maintaining order, and he does not call on speakers who rise to address the House nor are speeches addressed to him. When the House is in committee the Lord Chairman presides. A quorum consists of 3 lords, but a division on any stage of a Bill cannot take place unless 30 are present. Order in the Lords is maintained by the House itself, speeches are addressed to the House, and members rise to speak without being called on. If more than one insists on speaking, the House would call for the speaker they wished to hear next. The processes of passing Bills are the same in both Houses, but in the Lords a peer can introduce a Bill without obtaining the leave of the House and move its first reading, although a Bill not introduced by the Government has a very slender chance of reaching the Statute Book. A debate may also take place on a question addressed

to H.M. Government, unless it is 'starred', when it is for information only, although there is no motion before the House. The more important debates take place on resolutions or on 'motions for papers'. These papers are usually non-existent, but such a motion is the formula adopted when it is desired to debate a subject without proposing any specific resolution upon it. There is no time fixed by Standing Order for the adjournment of the House of Lords; business arranged for the day is continued until it is finished, but the House seldom sits after dinner in the evening. The Standing Orders have recently been revised and brought into line with modern conditions, but the ceremonial proceedings which take place in the House are governed by tradition rather than by Standing Order. The House of Lords' Chamber, being technically the 'Parliament Chamber', is the scene of the sittings of Parliament in which the Sovereign participates, either in person or by Commission, at the opening and proroguing of a session, the approving of a Speaker of the House of Commons, and the giving of the Royal Assent (q.v.) to Bills which have been passed by both Houses. On these occasions the original layout of the full Parliament of Plantagenet times is reproduced; the Sovereign on the Throne (or represented by robed Commissioners seated in front of the Throne), the Lords ranged down either side of the Chamber, and the Commons, headed by their Speaker; at the Bar. Nowadays the Sovereign appears in person only at the opening of a parliamentary session and on this occasion the Peers, Temporal and Spiritual, wear their robes and the judges take their seats on Woolsacks in the centre of the Chamber. In the early days, as soon as the legislative programme outlined by the Royal Speech on this occasion had been dealt with, business was concluded. When the right to discuss other matters had been established the custom arose in both Houses of giving a first reading to a formal Bill before considering the Speech from the Throne. In the House of Commons the measure given its first reading is the Outlawries Bill (q.v.) and in the House of Lords the Select Vestries Bill (q.v.), and of course neither is proceeded with any further. The introduction of a new peer is also attended with some ceremony, which dates back many centuries. After receiving on bended knee his patent and writ from the Lord Chancellor, the new peer with his two supporters in their robes proceeds to the Table of the House where his patent and writ are read and where he takes the oath of allegiance. He is then conducted to the bench of his precedence, where he thrice raises his hat and bows to the Lord Chancellor. (*See also* PEERS.)

The House of Lords shares most of its functions with the House of Commons, but its judicial functions as the highest Court of Appeal are peculiar to itself. Maitland has established that Parliament at the end of the 13th century was regarded as the highest court of royal justice. Further research has confirmed the essentially judicial character

of the earliest Parliaments, and that even under Edward III, although Parliaments devoted a considerable part of their time to political and economic business, the dispensation of justice remained their chief function. The control of the House of Lords by way of appeal over the action of the English Courts of Common Law may be traced back to the time when it was the King's Great Council. The control was afterwards extended to the courts of chancery or equity in England, and to the courts of Scotland and Ireland, but it has never been extended to the ecclesiastical courts or to the courts in other countries or colonies of the British Commonwealth, whose appeals are heard by the Judicial Committee of the Privy Council. Appeals are, however, heard from decisions of the Northern Ireland Judiciary via the Court of Appeal in Belfast, for although Northern Ireland has her own Parliament, in certain matters the authority of the British Parliament prevails. The judicial functions of the House of Lords have varied considerably through the centuries, both in their activity and the manner in which they have been exercised. The Commons left the judicial proceedings of Parliament to the Lords when they broke away early in the 14th century, as the Lords were at that time the older and more important body, but during the 15th and 16th centuries they did very little judicial work. In 1677 the Lords were conceded the right to hear appeals in equity from the Court of Chancery, and thus the House gathered within its appellate jurisdiction the last court to evade the direct supervision of Parliament. The Lords were able to summon the Common Law judges to assist them, but when the Union with Scotland and Ireland resulted in their appeals having to be heard, coupled with an ever-increasing population and new laws, the House found more and more difficulty in finding judicial time and judicial personnel. The judges were fully occupied in their own courts, and when Lords with no legal qualifications were excluded from voting on judicial questions the Lord Chancellor remained to hear appeals 'with two mute, untrained Lords in the background to represent the collective wisdom of the court', as Erskine May puts it. An attempt was made to create a judicial life peer in 1856 to alleviate the situation, but it needed the threat of an Act passed in 1873 which transferred the appellate jurisdiction of the Lords to a Supreme Court before this came about. The operation of this Act was suspended until 1876, when the Appellate Jurisdiction Act was passed, upon which the modern judicial powers and practice of the House are built. This Act restored its appellate jurisdiction and provided for its exercise by salaried 'Lords of Appeal in Ordinary'. These Lords of Appeal (who now number 9) were to hold their peerages only during their term of office, but an Act of 1887 allowed them to retain their peerages for life. The 1876 Act provides that no appeal can be heard unless at least 3 qualified legal personages are present, but as the Act does not disqualify any

member of the House of Lords from taking part in the proceedings the judgment is still technically the judgment of that House. Actually, of course, its judicial functions are performed by the Lords of Appeal, or Law Lords as they are usually called, and any of the other qualified peers who can be invited to attend if a sufficient number of Law Lords are not available. The fusion of the parliamentary and judicial character of the House of Lords is epitomized in the Lord Chancellor, who is Speaker of the House and also Head of the Judiciary. In 1947, owing to the noise of rebuilding operations near the Lords' Chamber, appeals were heard by an Appellate Committee in a distant committee room, and this practice has been continued even though peace has been restored in the Palace of Westminster. It was found an advantage to be able to arrange judicial business without reference to the sittings of the House of Lords; appeals were formerly heard in the mornings in the Lords' Chamber, and the House sat in the afternoons. The Appellate Committee only hears argument and reports to the House, to which alone judgment is reserved.

Besides its function as the highest Court of Appeal, the House of Lords has had original jurisdiction of three kinds—in impeachment, trial of peers, and peerage claims. Of these, impeachment of offenders by the Commons and their trial by the Lords is obsolete (the last was brought against Lord Melville in 1806), the individual privilege of trial by fellow peers on charges of treason or felony was abolished by the Criminal Justice Act of 1948, and for all practical purposes only the third jurisdiction remains. These peerage claims are referred to the House of Lords by the Crown and are dealt with by the Lords' Committee of Privileges before whom counsel may be heard. With the loss of the privilege of trial by their peers, the privileges of the House of Lords and its members are now very similar to those of the House of Commons. The Lords, as the hereditary counsellors of the Sovereign, have the now rather archaic privilege of individual access to the Sovereign, while the Commons only have the collective right of access through their Speaker.

There has been much discussion in recent years regarding the reform of the House of Lords, and although most critics agree that a second chamber is desirable, they assert that any reform must be aimed primarily at removing or drastically modifying the hereditary character of the House. This would mean legalizing the creation of life peerages or peerages for a term of years for other than judicial purposes, although to give a Government this power might lead to abuse. A Select Committee under the chairmanship of Lord Rosebery in 1908 proposed that 200 Lords of Parliament should be elected by the hereditary peers, and a majority of the Conference led by Viscount Bryce in 1918 favoured the election of a second chamber by Members of the House of Commons grouped in territorial areas.

## House of Lords Reform

The House of Lords does not, in practice, exercise freely either the right to reject a Bill sent from the Commons if it is not in accordance with their own views, or the right to make substantial alterations. What they claim, according to a leading member of their House, is the right and duty 'to arrest the progress of such measures whenever we believe that they have been insufficiently considered and that they are not in accord with the deliberate judgment of the country'. The effective core of the House of Lords to-day—about one-tenth of its membership—consists of men of high attainments and notable achievement, not necessarily in party politics, whose knowledge of public affairs is extensive, whose public services are distinguished, and whose intellectual attainments are often outstanding. It is not surprising, therefore, that the House of Lords debates are often on a very high level and frequently surpass in wisdom and disinterestedness the speeches made in the House of Commons. Members of the House of Lords are unpaid, but in 1957 they became entitled to a tax-free expense allowance of three guineas for each day on which they attend the House.

**MEETING-PLACES OF THE LORDS.** The Lords met in the White Chamber of the old Palace of Westminster until 1801, when the Union with Ireland introduced extra members to the House of Lords, and it moved to more commodious quarters in the White or Lesser Hall. The white or ancient Parliament Chamber had disappeared altogether by 1823, and some twenty years later the Royal Gallery (q.v.) was built on its site. After the fire of 1834 the Lords occupied the Painted Chamber, which had been re-roofed, until they were able to take possession of their present Chamber in 1847. In 1941 the House of Commons Chamber was destroyed by a bomb and until 1950 the Commons met in the Lords' Chamber, the peers moving to the King's Robing Room during this period.

## HOUSE OF LORDS REFORM

The Parliament Acts of 1911 and 1949 (q.v.), although they diminished the power of the House of Lords, did not provide for any of the reforms that have been advocated during the last hundred years. The preamble of the 1911 Act certainly declared that 'it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis', but nothing on these lines has yet been attempted. After the passing of the Reform Bill in 1832 a second chamber predominantly hereditary in its composition seemed even more a survival of feudalism and unduly representative of landed wealth, and indeed the Lords themselves passed a resolution in 1910 to the effect that 'the possession of a peerage should no longer in itself give the right to sit and vote in the House of Lords'.

The fact that the average daily attendance in the House of Lords is only about 10% of the total number of peers also aroused criticism, and it is not surprising that numerous proposals for reform were forthcoming. The earliest suggestion, appearing during the second half of the 19th century, was for the creation of life peers as a means of improving the quality of the debates in the upper House. Another proposal was that the peers should elect the second chamber from among themselves as the Scottish Representative Peers are elected, and this was advocated by Lord Rosebery in 1888, by a committee of the House of Lords in 1908, and by Lord Lansdowne in a Bill in 1911. Lord Rosebery also suggested the election of a number of members to the upper House by outside bodies, and Lord Lansdowne the election of 120 members by Members of the House of Commons sitting for the larger constituencies. In 1917 a conference was appointed under the chairmanship of Lord Bryce to investigate and report on the question of reform in the Lords and the powers a reformed House would exercise. The majority recommended that one section of the proposed upper House should consist of about 250 members elected by members of the House of Commons (roughly Lansdowne's suggestion) and a second section of about 80 members chosen by a joint Standing Committee of both Houses, appointed at the beginning of each Parliament, from among the peers and bishops. It was proposed that members of both sections should hold their seats for twelve years, and the powers of this House were to remain substantially the same as the present House of Lords. A group of Conservatives under the chairmanship of Sir Cuthbert Headlam published in 1946 'Some Proposals for Constitutional Reform' in which they made recommendations for House of Lords Reform which were substantially the same as those made by an all-party conference on the subject which met in 1948. The Report of this Conference (Cmd. 7380) contains the following proposals:

(1) The Second Chamber should be complementary to, and not a rival to, the Lower House, and, with this end in view, the reform of the House of Lords should be based on a modification of its existing constitution as opposed to the establishment of a Second Chamber of a completely new type based on some system of election.

(2) The revised constitution of the House of Lords should be such as to secure as far as practicable that a permanent majority is not assured for any one political party.

(3) The present right to attend and vote based solely on heredity should not by itself constitute a qualification for admission to a reformed Second Chamber.

(4) Members of the Second Chamber should be styled 'Lords of Parliament' and would be appointed on grounds of personal distinction or public service. They might be drawn either from hereditary Peers, or from commoners who would be created life Peers.

## House of Lords Reform

(5) Women should be capable of being appointed Lords of Parliament in like manner as men.

(6) Provision should be made for the inclusion in the Second Chamber of certain descendants of the Sovereign, certain Lords Spiritual and the Law Lords.

(7) In order that persons without private means should not be excluded, some remuneration would be payable to members of the Second Chamber.

(8) Peers, who were not Lords of Parliament, should be entitled to stand for election to the House of Commons, and also to vote at elections in the same manner as other citizens.

(9) Some provision should be made for the disqualification of a member of the Second Chamber who neglects, or becomes no longer able or fitted to perform his duties as such.

There was general agreement on these items, in spite of the fact that the Labour Party Manifesto of 1935 recommended the abolition of the House of Lords, but none could be obtained regarding the powers which should be vested in any reformed upper House. At the end of 1952 Lord Simon introduced a Bill authorizing the Crown to appoint 10 life peers a year who would sit and vote in the House of Lords, but it was opposed by the Government on the grounds that more general reforms were being planned. Sir Winston Churchill in 1953 invited the Labour and the Liberal parties to take part in further conversations, but the Leader of the Labour Party replied: 'In view of the fact that the previous discussions in 1948 revealed a fundamental cleavage of opinion between the Labour and Conservative parties on what is the proper part to be played by the House of Lords as a second chamber under the Constitution, we have come to the conclusion that no useful purpose would be served by our entering into such a discussion'. On 9 March 1955 Viscount Samuel, who has long been an advocate of reform, inaugurated a two-day debate in the House of Lords based on the proposals of the 1948 Conference. He pointed out the reasons for the waning influence of the House of Lords, and suggested what must be done to restore its prestige and to prevent it 'dying of inanition' before our eyes'. The Leader of the Opposition stated that the Labour Party would not be willing to enter into a preliminary conference to reach an agreed solution to the problem, but the Marquess of Salisbury, the Leader of the House, promised that the Government would appoint a committee and proceed on its own with plans for a reconstituted House of Lords.

In the debate already referred to, Viscount Samuel mentioned the difficulty of maintaining a link between the self-governing territories of the Commonwealth and Westminster, and pointed out that a new House of Lords might well contain considerably more representatives from these countries than there are at present.

(Further reading: *The future of the House of Lords*, published by the Hansard Society, 1954.)



## HOUSES OF PARLIAMENT

See BIG BEN; CENTRAL HALL; CHURCHILL ARCH; CLOCK TOWER; COURT OF REQUESTS; COURTYARDS; CRYPT CHAPEL; HOUSE OF COMMONS; HOUSE OF LORDS; MOSES ROOM; NEW PALACE YARD; OLD PALACE YARD; PAINTED CHAMBER; PALACE OF WESTMINSTER; PARLIAMENT; PRINCE'S CHAMBER; QUEEN'S ROBIN ROOM; ROYAL GALLERY; ST. STEPHEN'S HALL; VICTORIA TOWER; WESTMINSTER HALL.

## HOUSE OF REPRESENTATIVES

The name given to the legislatures of New Zealand, Nigeria, and Sierra Leone, and to the lower Houses of the Parliaments of Australia, Ceylon, Jamaica, and Malaya.

## HOUSE OF THE PEOPLE

The lower House in the Indian Parliament (q.v.).

## HOUSING AND LOCAL GOVERNMENT, MINISTER OF

The descendant of the Minister of Town and Country Planning (1943) and the Minister of Local Government and Planning (1951), this Minister's office was created by the Conservative Government when it came into power at the end of 1951 to mark the change of emphasis in its policy. The Minister is responsible for housing and new towns and the planning and control of the use of land, general oversight of the work of local authorities and also financial responsibility towards them. The Secretary of State for Scotland continues to discharge the functions which in England and Wales are exercised by the Minister of Health and the Minister of Housing. The Minister jointly with the Secretary of State for Scotland appoints the members of the Central Land Board, established under the Town and Country Planning Act of 1947 to compensate land owners for the loss of their development rights, and to levy charges for development. The Minister is a member of the Cabinet, his salary is £5,000 and that of his Parliamentary Secretary £2,500, and both draw £750 of their parliamentary salaries if they sit in the House of Commons.

The first Minister of Town and Country Planning was W. S. Morrison (elected Speaker of the House of Commons, 1951). He held office until the formation of the 1945 Labour Government when Lewis (afterwards Lord) Silkin was appointed to the office. He was succeeded by Hugh Dalton, who became the Minister of Local Government and Planning. In 1951 Harold Macmillan became the first Minister of Housing and Local Government and was succeeded by Duncan Sandys in 1954 and Henry Brooke in 1957.

### HUSTINGS

Before the passing of the Ballot Act in 1872, candidates for Parliament were nominated on a platform known as the 'hustings', from which they addressed the electors. This word afterwards came into use to describe the whole proceedings at a parliamentary election.

### HYBRID BILL

A Hybrid Bill is a Public Bill to which the Standing Orders relative to Private Business are applicable. In other words, it is a Bill which although general in its application affects certain private or local interests. For instance, a Bill to acquire property for the Post Office might affect some privately owned land, and would thus be a Hybrid Bill. Such Bills are subject to a special procedure during their passage through Parliament. Broadly speaking, it is correct to say that they are treated like Private Bills (q.v.) after the second reading.

After the first reading, all Bills are examined in the Public Bill Office with a view to ascertaining whether they affect private interests. Any Bill which is found to affect private interests is referred to the examiners (q.v.), and until they have reported the Bill may not be set down for second reading.

After second reading a Hybrid Bill is committed to a Select Committee nominated, as a general rule, partly by the House and partly by the Committee of Selection (q.v.). An order is made by the House that any petitions against the Bill shall be referred to the committee, but if none are received by a stipulated date the order committing the Bill to the Select Committee shall be discharged and the Bill committed to a Committee of the Whole House (q.v.) or a Standing Committee (q.v.). Unless the order expressly provides that petitions against the Bill may be deposited in the Public Bill Office they must be presented to the House as public petitions (for description of procedure *see* PETITIONS). The proceedings in a Select Committee on a Hybrid Bill are similar to those in a committee on a Private Bill. Fees are charged to opponents of a Hybrid Bill as if it were a Private Bill.

# I

## ILBERT, SIR COURTENAY PEREGRINE (1841-1924)

Clerk of the House of Commons from 1902 to 1921, Ilbert began his career as a parliamentary draftsman and assistant to Sir Henry (afterwards Baron) Thring, the first Parliamentary Counsel to the Treasury (q.v.). A brilliant legal scholar, Ilbert was in a large measure responsible for the drafting of the Statute Law Revision Act, 1881, and the Civil Procedure Act, 1883. After spending four years in India he returned to England to become Assistant Parliamentary Counsel to the Treasury, and in 1899 he succeeded his chief as Parliamentary Counsel, retaining this appointment until he became Clerk of the House.

Ilbert's publications include *The Government of India* (1898), *Legislative Methods and Forms* (1901), *Parliament* (1911, revised by Sir Cecil Carr, 1953), and *The Mechanics of Law-making* (1914).

## IMPEACHMENT

A trial before the Lords on the accusation of the Commons for 'high crimes and misdemeanours'. According to Maitland, there have not been seventy during the whole course of English history, and a full quarter of all of them belong to the years 1640-2. During the Oxford Parliament in 1681 the impeachment of Fitzharris was rejected by the Lords, and the Commons passed a resolution 'That it is the undoubted right of the Commons to impeach before the Lords any Peer or commoner for treason or any other crime or misdemeanour, and that the refusal of the Lords to proceed in Parliament upon such impeachment is a denial of justice and a violation of the constitution of Parliament'. The Commons also decided that any civil law court which should dare to deal with the case of Fitzharris should be answerable to them for its action. The last impeachment was in 1806, when Lord Melville (Dundas) was charged by the Commons, but acquitted, of misappropriating official funds. As Jennings remarks in his *Parliament*, impeachment in the 17th and early 18th centuries was a means for 'liquidating' opponents, and the procedure may now be regarded as obsolete. The ballot boxes are now available for political opponents and the criminal courts for criminals. A full description of the procedure of impeachment is given by Hatsell in Vol. 4 of his *Precedents*.

## Independent Labour Party

### INDEPENDENT LABOUR PARTY

A non-Marxian organization formed under the inspiration of Keir Hardie at Bradford in 1893 with the object of uniting local labour parties into one national organization. Its leaders, including MacDonald, Snowden, Clynes, and Margaret Bondfield, who in the 1929-31 Labour Government became the first woman Cabinet Minister, were more concerned with social reform than with dogmatic Socialism, and were much influenced by the doctrines of the Fabian Society and its brilliant supporters Bernard Shaw and Sidney Webb. After seven years' struggle, the I.L.P. persuaded some trade unions to join the Socialists in setting up the Labour Representation Committee, which became the Labour Party (q.v.). The I.L.P. continued as a separate body within the federal structure of the Labour Party, but owing to its anti-war attitude it was practically a separate group from 1914-18. After the War, the I.L.P. suffered internal dissension over its future policy and its function in the Labour movement, now that the Labour Party had adopted a broadly socialist programme, and by its new constitution (1918) had become a mass-party based on individual as well as on affiliated membership. In spite of this, the number of I.L.P. candidates returned to the House of Commons rose from 32 in 1922 to 46 in 1923. Meanwhile, the party continued to press for a much more radical advance to Socialism than many of the trade unionists in the Labour Party were ready to accept. The I.L.P. leaders, who carried more intellectual equipment than most of the trade unionists, had been the driving force in the Labour Party, but MacDonald and Snowden were now turning away from the I.L.P. to the Labour Party itself to further their ideas. This was particularly noticeable after the general strike of 1926 and the Labour Party Conference of 1927, where an I.L.P. proposal for family allowances had been condemned by MacDonald. Subsequently the I.L.P. refused to nominate him even as a delegate to the conference, and henceforward his membership of the party was purely nominal. Snowden resigned from it in 1928. At the I.L.P. Conference in 1928, James Maxton, who had become its leader, defined the party's mission to be 'a Socialist party within the Labour Party', but it was becoming increasingly obvious that it could not much longer retain that position. In the 1929 election 37 I.L.P. members gained seats in the House, and at their conference in 1931 the Labour Government was severely criticized for its luke-warm attitude to the cause of Socialism. In the General Election of the same year the result of increasing enmity between the two parties was the withdrawal of Labour Party endorsement to I.L.P. candidates, and although the I.L.P. was still formally affiliated to the Labour Party it really stood as an independent party. In the general collapse of the Labour Party the I.L.P. only retained 5 seats after this election. At a

special conference in 1932 the I.L.P. decided to break its affiliation with the Labour Party by 241 votes to 142 and revert to the independence it enjoyed from 1893 to 1900. In doing so it lost many of its members, and after the 1935 election the party had dwindled to 4 in Parliament—all representing Glasgow constituencies. Only 3 of these were returned at the 1945 election, and when Maxton died in 1946, regretted by all parties, the I.L.P. applied for re-affiliation to the Labour Party. The application was rejected, and in 1947 the 3 I.L.P. members in Parliament decided to conform and to receive the Labour Party whip. The I.L.P. continues outside Parliament, but it has not succeeded in winning a seat at the last three General Elections.

### INDEPENDENT MEMBER

A Member of Parliament is described as Independent if he acknowledges no allegiance to any political party, whether he has obtained his seat without the aid of any party organization or whether he leaves his party to become independent after he has been elected. 'Independent' at one time meant independent of the King or the Court supporters, and during the 18th century, of the Government. It was not until the second half of the 19th century, when political parties were more distinct and better organized, that independence was related to party. Men like Savile, Wilberforce, Cobden, and Bright were independents by nature although known as Whigs, Tories, or Radicals, and the fact that in those days there was more independence within a party made it unnecessary for a member to describe himself as Independent. Party discipline was tightened up, but it was not until 1915 that Pemberton Billing was elected as the first avowed Independent. The university seats have provided some of the best-known Independents of the modern variety, and the late Miss Eleanor Rathbone, associated with family allowances and the Championship of refugees, and Sir Alan Herbert, who owes much of his parliamentary fame to his Matrimonial Causes Bill, are typical examples.

The Independent member had certain advantages and some disadvantages over the member tied to a party. He was only governed by his conscience as to the regularity of his attendance at the House, and he was free of party committees and social engagements. He could also take up causes that a party member could not, and his chances of being called to speak in debates, owing to the care taken not to disregard minorities in the House, were better than those of the back-bench member. On the other hand, he had none of the resources of a great political organization behind him, and except perhaps in war-time could not expect to become a minister. Also, although free from the obligation to attend party meetings, his absence from these discussions left him rather isolated and out of the swim of parliamentary life.

## **Independent Motion**

Sir Harold Nicolson has described five types of Independent: the true Independent, who fights his own battle entirely on his own resources; the fortuitously Independent, elected during a period of party truce; the academic Independent returned for a university seat; the temperamental Independent, 'who belongs to a party but cannot stay put'; and the forlorn Independent, survivor of a dead party.

Mainly due to the abolition of the university franchise, there were no Independent members in the Parliaments elected in 1950, 1951, and 1955, and their absence is a matter for regret on both sides of the House.

## **INDEPENDENT MOTION**

*See* SUBSTANTIVE MOTION.

## **INDIA AND BURMA, SECRETARY OF STATE FOR**

The first Charter of the East India Company was granted by Queen Elizabeth I in 1600, and the more direct interposition of the British Parliament in Indian affairs was marked by the establishment of the Board of Control in 1784, which was made responsible for the supervision by the Government of the operations of the Company. The office of Secretary of State for India was created by the Government of India Act of 1858, whereby the powers and functions of the East India Company were transferred to the Crown, and Queen Victoria assumed the title of Empress of India in 1877. The India Office arose from the amalgamation of the Company's headquarters in London with the office of the Board of Control, whose President became the Secretary of State, and the personnel of the new government department was at the outset formed by uniting the clerks of the two old establishments. Henceforth, of course, the India Office was one of the departments of the Home Civil Service. But it differed from the other departments in one very important aspect—its cost was defrayed entirely from the revenues of India, and not from the United Kingdom, until, at the end of the 19th century, the Report of the Welby Commission on Indian Finance led to a contribution from the Treasury towards certain heads of Indian expenditure. By the Government of India Act of 1919 the salary of the Secretary of State for India was for the first time put upon the Parliamentary Estimates. A second important distinction between the Secretary of State for India and the other Secretaries of State lay in the fact that for most purposes the supreme authority under the Crown and Parliament for the control of Indian affairs was the Secretary of State in Council of India, and not a sole minister, although the Secretary of State possessed considerable powers apart from his Council. The Council ceased to exist from 1 April 1937, when some of its functions passed to a body of Advisers. The increasing measure of autonomy given to India by the Acts of 1919 and 1935

culminated in the Indian Independence Act of 1947, which set up two 'independent Dominions' to be known as India and Pakistan. The office of Secretary of State was therefore abolished in that year. The Government of Burma Act, 1935, created the office of Secretary of State for Burma, which was held by the Secretary of State for India. This office also lapsed in 1947 on the passing of the Burma Independence Act.

A chronological list of Secretaries of State for India appears as Appendix 20.

### INDIAN PARLIAMENT

Although India is a Republic it has decided to continue as a member of the British Commonwealth of Nations with the Queen as a symbol of their free association.

The main objects of passing the Government of India Bill of 1935—the longest Bill in British parliamentary history—were the establishment of an Indian Federation and the grant of self-government to the Provinces of British India. Owing to the advent of war in 1939, only the second of these was carried into effect, and the Central Government remained as constituted under the Government of India Act of 1919. In 1946 a Constituent Assembly met which was elected by the Legislative Assemblies of the then existing Provinces, and included representatives of the Indian States on the basis of one member for every million inhabitants. Subsequently the British Government announced its intention to hand over power to popular representatives of India not later than June 1948, but finding no arrangement that was acceptable to both Hindus and Moslems, it decided to partition the country, and India and Pakistan came into existence on 15 August 1947 by virtue of the India Independence Act of that year. The members of the Constituent Assembly became members of two separate Assemblies, one for each new Dominion, and both had full powers to frame their own Constitutions.

The Constituent Assembly of India adopted their new Constitution on 26 November 1949. It is a Federal Constitution providing for a Union of States (Provinces and Indian States) and comprises 395 articles and 9 schedules. The seventh schedule lists subjects within the legislative jurisdiction of the Union and of the States legislatures, and subjects over which both have concurrent jurisdiction. The Constitution came into force on 26 January 1950 and established a President and Vice-President elected by a bicameral legislature—the House of the People (Lok Sabha) and the Council of States (Rajya Sabha). The former is the lower House, and consists of not more than 500 members (actually the normal number is 499) of whom 10 are nominated by the President and the rest elected on the basis of adult suffrage. The Council of States has not more than 250 members who, with the

## Indian Parliament

exception of 12 nominated by the President, are elected by the elected members of the legislatures of the 14 States which, with the 6 centrally administered Union territories, form the Union. The Council is a permanent body not liable to dissolution, but a third of the members retire every second year. The Vice-President of India is the *ex-officio* Chairman of the Council, and a Deputy Chairman is elected to preside in the absence of the Vice-President. They may speak and take part in the proceedings as does the Speaker of the House of Lords. Both Houses have a Secretariat, the Secretary being Clerk of the House in each case.

Parliamentary procedure in the lower House differs in some details from that of the House of Commons—the Deputy Speaker, as well as the Speaker, is elected by his fellow members, and neither is divorced absolutely from all political activities as in the United Kingdom and may retain membership of his political party. They do not, however, take part in the affairs of their parties, particularly in regard to matters which are likely to come before the House for discussion. At present the Indian Parliament has no organized opposition to the government, which commands large and disciplined majorities, and the arrangement of business and allocation of time in the House (the province of the party Whips in the House of Commons) are entrusted to committees appointed by the Speaker. As usual in bicameral legislatures, Money Bills can only be introduced in the lower House, and the Council of States can delay but not prevent the passing of Bills introduced in the House of the People. There is provision in the Constitution for joint sessions of both Houses where there is disagreement over proposed legislation.

The executive power of the Indian Union is vested in the President, but like a constitutional monarch he follows the advice of his ministers tendered to him through the Prime Minister. The ministers and deputy ministers form a Council, and the federal character of the government is reflected in the attempt made to represent every non-princely State in the Council of Ministers by at least one of its members. There is also a Cabinet apart from the Council which includes all ministers in charge of departments. It exercises all the power that its British counterpart does—and more. When the House is not sitting it can make laws, suspend fundamental liberties by declaring a state of emergency, and alter the boundaries of States—but all these powers are ultimately subject to the approval of Parliament.

Parliament House in New Delhi was formally opened in 1927 by Lord Halifax when he was Viceroy. It is an impressive circular building one-third of a mile in circumference, with a continuous open verandah on the first floor fringed with 144 columns. There is a Central Hall whose dome is 98 feet high, and radiating from this centre are the Chambers of the two Houses and the old Princes Chamber, which is now occupied temporarily by the Supreme Court. Both the legislative



Chambers are of horse-shoe design and, like the British Parliament, do not attempt to provide a seat for every member—the House of the People can accommodate 461 and the Council of States 216.

(Further reading: Morris-Jones, *Parliament in India*, 1957.)

## INDIANS IN PARLIAMENT

Dadabhai Naoraji was the first Indian member of the Imperial Parliament. Elected in 1892 for Central Finsbury as a Liberal by the narrow majority of 3 votes, he served until the General Election of 1895. In that year Sir Mancherjee M. Bhownagsee was returned as Conservative member for North-east Bethnal Green, a seat he held until 1906. S. Saklatvala was a Communist member for North Battersea from 1922 until 1923. All these members were Parsees. Other Commonwealth legislatures apart from India itself which have Indian members at present include Kenya (6 elected members, including 2 representing Indian Moslems), Tanganyika (10 members), and Mauritius.

## INDIAN STATE PARLIAMENTS

Prior to 1 November 1956 the Indian Union consisted of 27 States, divided into three categories, and the territory of the Andaman and Nicobar Islands. Most of the States had their own legislatures, some of them bicameral. From the above date the Indian States were reorganized, their boundaries redrawn, and the whole country divided into 14 states and 6 centrally administered territories. The 14 States are Andhra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, and West Bengal. In September 1956 a Delimitation Commission was appointed to determine the Parliamentary and State Assembly constituencies into which each new State should be divided, the number of seats to be allotted to each, and the number of seats in the House of the People and the State Assemblies to be reserved for scheduled castes and tribes. The first elections for the State Parliaments after the reorganization were held simultaneously with the General Election for the Indian Parliament in March 1957.

## INFORMATION, MINISTER OF

This Ministry was created in 1939 soon after the beginning of the war to disseminate information and for 'the enlightenment of the people here and overseas', to quote the Lord Privy Seal, who represented the first Minister (Lord Macmillan) in the Commons. At the end of 1945 it was decided to abolish the Ministry and form a new unit with similar functions to be called the Central Office of Information.

Lord Macmillan was succeeded in office by Sir John (afterwards Lord) Reith, Alfred Duff Cooper (afterwards Lord Norwiche), Brendan Bracken (afterwards Lord Bracken), Geoffrey Lloyd, and

## Ingrossing a Bill

E. J. Williams. When the 1945 Labour Government was formed the Postmaster-General was appointed to take over the department pending its abolition.

## INGROSSING A BILL

*See* ENGROSSING A BILL.

## INITIATIVE

*See* REFERENDUM.

## INSTRUCTIONS TO A COMMITTEE

There are two types of instruction which may be given a committee by the House—permissive and mandatory. The permissive instruction gives the committee power to do something which it could not otherwise do, the mandatory instruction *directs* it to do something which it would not otherwise do. While both types of instruction can be given to Select Committees and Private Bill Committees, and with the concurrence of both Houses to Joint Committees, only the permissive form can be given to a Committee of the Whole House, and then only to a committee on a Bill, and to Standing Committees. A member must give notice that he intends to move an instruction to a committee, and amendments thereto also require notice. Instructions are frequently proposed which are unnecessary, as a committee to which Bills are committed already has power under the Standing Orders to make such amendments as they think fit, 'provided they be relevant to the subject matter of the Bill'. Instructions are, however, always needed by a committee which seeks to divide a Bill into two or more Bills, to consolidate two Bills into one Bill, to give priority to part of a Bill with power to report such part separately to the House, and to extend the operation of a Bill geographically to a part of the country not included in its original form.

## INTER-PARLIAMENTARY UNION

The object of the I.P.U., according to the first article of its statutes, is 'to promote personal contacts between members of all Parliaments, constituted into National Groups, and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of democratic institutions and the advancement of the work of international peace and co-operation'. Sir William Randal Cremer, a British M.P., and a French Deputy, Monsieur Frédéric Passy, held a preliminary meeting in Paris in 1888, and next year the first I.P.U. Conference was held in London. Annual conferences have been held since, except during the war years, usually in one of the world's capital cities, the inviting country providing all the facilities for the conference. This consists of a general debate on the Secretary-General's Report on World Affairs,

## Irish Nationalist Party

and debates on various resolutions and reports prepared during the previous year by the study committees of the Union. The conference in effect constitutes an informal international Parliament, at which M.P.s of all countries and parties can meet and freely discuss the problems of the day. Apart from the conferences, there are frequent interchanges of visits of Members of Parliament from each National Group providing a valuable education for the M.P.s and an insight into the problems of their respective countries.

The central direction of the affairs of the I.P.U. is carried out by a Council, on which each Parliamentary Group is represented by two delegates. There is an Inter-Parliamentary Bureau at Geneva under the direction of the Secretary-General which is supervised by an executive committee of five members, one of these retiring each year and a new member being elected at the annual conference.

The British Group of the I.P.U. numbers about 500 Peers and Members of the House of Commons, and the Lord Chancellor and the Speaker are its Honorary Presidents. The other officers of the group are the President, Vice-Presidents, Chairman, Vice-Chairmen, Hon. Treasurers, Hon. Secretaries, and an Administrative Secretary.

### INTRODUCTION OF A MEMBER

A Member of Parliament returned at a by-election is usually introduced to the Speaker and the House immediately after Question Time is over—that is, before the Orders of the Day and Notices of Motion have been entered on. He remains below the Bar until the Speaker says: 'Members desiring to take their seats will please come to the Table.' In compliance with a Resolution of 1688 he must be 'introduced' or accompanied by two Members of the House, who walk with him to the Table where the oath is administered by the Clerk. He then signs the Test Roll and shakes hands with the Speaker in the same way as do members after taking the oath in a new Parliament.

### IRISH NATIONALIST PARTY

After the Rebellion of 1798 in Ireland, the subsequent union of that country with Great Britain in 1800 was accompanied by much discontent among the Irish, and the struggle was carried on in the British Parliament by the members elected to represent Ireland in the House of Commons. Apart from their nationalist feelings, the Irish were determined to secure Catholic emancipation, the abolition of tithes collected by the Established Church of Ireland (Protestant) and ultimately its disestablishment. The leader of the Irish Party in the Commons, O'Connell, quickly achieved the emancipation of the Catholics, although the Reform Bill of 1832 rather counteracted its effect by raising the property qualification for Irish voters, but his caution and reluctance to face a violent solution to the other problems

## Irish Nationalist Party

led to his downfall. The Whig and Tory landowners were still able to control many constituencies, and Ireland had to wait forty years for the disestablishment of the Church of Ireland. Repeal of the Union was unthinkable to the English, and without the restoration of the Irish Parliament (q.v.) the other reforms could not be obtained. Until the 1870's the Irish Party was not strong enough to make itself felt, but in 1870 the Home Government Association of Ireland was formed and 1872 saw the passing of the Ballot Act. This Act instituted the secret ballot, and the comparative absence of corruption in the 1874 election resulted in 59 Home Rulers being returned to Westminster. Under Isaac Butt and Parnell the Irish Party was well organized and became a thorn in the Government's flesh. From 1877 Parnell and the other Irish members missed no opportunity of obstructing Government business in the House, and their activities resulted in a tightening-up of the rules of debate, culminating in Mr. Gladstone's procedural reforms in 1882. These followed the incident in 1881 during the discussions on the Protection of Person and Property (Ireland) Bill, when the Irish Nationalists prolonged a debate for forty-one hours which Speaker Brand (q.v.) concluded on his own authority.

The General Election of 1885 resulted in an alliance between the Parnellites and the Gladstonian Liberals, and Mr. Gladstone tried to solve the Irish problem by the introduction of a modified Home Rule Bill in 1886, which was rejected by the Commons. Parnell died in 1891, having lost his leadership of the Irish Party as the result of appearing as the co-respondent in a divorce case. Gladstone became Prime Minister again in 1892, and in 1893 he submitted his second Home Rule Bill to Parliament. It passed the Commons by a majority of 34, but a week later was rejected in the House of Lords by a majority of 419 to 41. Following this setback and a split in the Nationalist Party caused by the Parnell controversy, politics ceased for a time to interest the Irish. The formation of the United Irish League in 1898, whose object was the compulsory expropriation of all landlords, effected a reconciliation between the Parnellites and the anti-Parnellites, and the reconstruction of the party under John Redmond. The Irish Councils Bill introduced by the Liberal Government in 1907 conferred extensive powers of self-government on Ireland, and although it was accepted by Redmond as a step in the right direction, it was withdrawn on its being rejected by a National Convention which met at Dublin. The General Election of 1910 placed the balance of power in Redmond's hands, and his price for supporting the Liberals in legislation to limit the power of the House of Lords (*see* PARLIAMENT ACTS, 1911 & 1949) was Home Rule. The third Home Rule Bill (Government of Ireland Bill) was introduced in 1912, passed by the Commons in January 1913, and rejected again by the Lords. The Bill, similar to that of 1893, gave only limited self-government to Ireland, but to the Nationalist Party, who had borne

the brunt of the long-continued struggle, it seemed a satisfactory compromise. However, to Sinn Fein, the more extreme isolationist party in Ireland which came forward in 1902, it appeared totally inadequate. In Ulster (Northern Ireland) where loyalty to the United Kingdom was strong, agitation was started to resist the Bill at all costs. This attitude, the Bill having been rejected a second time by the Lords, influenced the Government to announce the introduction of an Amending Bill whereby any county might vote to be excluded from the operations of the Home Rule Bill for a period of six years. This compromise was acceptable to Redmond, but was rejected by the Ulster leader, Sir Edward Carson. In 1914 the Home Rule Bill passed the Commons for a third time, and under the Parliament Act of 1911 nothing but the Royal Assent was needed for it to become law. Soon after the outbreak of war in August 1914, the Government announced its intention of placing Home Rule on the Statute Book, accompanied by a Suspensory Act to prevent it becoming immediately operative, but it was not carried out. After the suppression of the rebellion in 1916 Lloyd George declared he was willing to grant Home Rule immediately to any part of Ireland which demanded it, and in March 1917 he announced the appointment of a Convention to frame a constitution for Ireland within the Empire. This was produced, but nothing was done as the Government's condition of conscription for Ireland was not acceptable to Sinn Fein or the Catholic clergy. For some years before the General Election of 1918 the Nationalist Party had been losing touch with many of the movements which attracted the younger nationalists, and they underestimated the importance of Sinn Fein. These and other factors were responsible for the collapse of the Irish Nationalist Party at this election, where they returned 7 members and Sinn Fein 73. A new Home Rule Bill was introduced in 1920 giving two separate Parliaments to Ulster and the rest of Ireland, but it was resisted by Sinn Fein, which wanted an undivided Ireland with complete control over its own affairs. The Ulster Parliament was opened in 1921, but the discontent of the rest of Ireland resulted in the Anglo-Irish treaty of 1921, which made Southern Ireland a Free State with the political status of Canada, and gave liberty to Ulster to retain her independence. The Irish Free State acquired a new constitution in 1937 under which the name of Eire was restored. In 1948 the country seceded from the British Commonwealth and became an independent republic.

## IRISH PARLIAMENT

The origin of the Irish Parliament can be traced back to a meeting of the Great Council in 1297 at Kilkenny, to which two knights from each county and liberty were summoned, but it was not until 1310 that the system of representative government was fully established and Ireland obtained a Parliament of her own. However, as the English

## Irish Parliament

settlers who followed the invasion of Ireland by the Normans in 1169 were the wealthiest and most influential in the country, it was inevitable that they alone would be consulted on matters of taxation. Following the invasion of the Scots and the decline of the Colony, the Parliament became even more of a close corporation from which the Irish were rigorously excluded. This exclusion from Parliament and the refusal to the Irish of the privilege of living by the English law lasted practically until the reign of James I, when all classes of the population were taken under his protection and accredited with equal rights. In an attempt to restore the economic value of the Colony Edward III sent his son Lionel, Duke of Clarence, to Ireland where he held the famous Parliament of Kilkenny in 1366. Here was passed the Statute of Kilkenny, which was directed towards preventing the relations between the colonists and natives which, in Edward's opinion, were undermining the national character of the Colony and weakening the authority of the Crown, and also to reform the administration of justice and abuses such as the private wars which were sapping the strength of the Colony. In spite of these efforts the degeneration of the Colony continued, and by Henry VII's time English authority over Ireland had reached its lowest point. Sir Edward Poynings was sent over as Lord Deputy and restored order, and in 1494 the Parliament passed the Poynings' Act which provided that no Parliament should be held in Ireland without the sanction of the King and Council, who should also be able to disallow statutes passed by the Irish Parliament. These provisions practically annulled the legislative independence of the English Colony in Ireland, and as they remained in force for nearly three hundred years proved to be one powerful means of maintaining the subordination of the island. A Parliament held at Dublin in May 1536 imposed the Reformation on Ireland, and Henry VIII was declared supreme head of the Church in Ireland. No serious objections were taken to these measures in the Irish House of Commons, but in the upper House, where the Lords Spiritual possessed a majority, the Supremacy Bill encountered fierce opposition.

In the Parliament of 1542 Ireland was raised to the dignity of a Kingdom, and instead of the old title of Lord of Ireland Henry was now created by statute King of Ireland. When Elizabeth I came to the throne she sent the Earl of Sussex to Ireland as Lord Deputy. He called a Parliament in 1560 which re-established the Protestant faith, but as its statutes were disregarded another Parliament was summoned in 1569 which revealed a strong party opposed to the Crown. Queen Elizabeth had done much to alienate the sympathies of the Anglo-Irish gentry of the Pale (the native Irish were outside the Pale). Complaints were made of the irregular return of members, and the judges declared that those returned for towns not incorporated, and the magistrates who returned themselves, were incapable of sitting in Parliament; but they

decided in favour of non-resident Englishmen who had been returned for places they had never seen, which still left a majority who supported the Crown.

After Ireland had been without a Parliament for twenty-seven years, James I summoned one in 1613, having taken measures to secure a docile Protestant majority, and the Catholics seceded for a time from Parliament. With regard to the parliamentary representation of Ireland in the 17th century, in 17 out of 32 counties there was no town that returned burgesses before the reign of James I, and the whole number in the rest was not more than 30. James created some 40 boroughs, and the number of the Commons in 1613 was 232. The extensions of the franchise were not made in the popular interest, and in the 18th century at least two-thirds of the members were slavishly returned by the tenants of the aristocracy. The Irish House of Lords in 1634 numbered 122. The rapacity and perfidy of Charles I and his Viceroy, Lord Strafford, combined with the decision of the English House of Commons that no toleration was to be given to the Catholic religion in Ireland, were the causes of the terrible Rebellion of 1641. After the Cromwellian Settlement of Ireland in 1652 Cromwell's son Henry governed Ireland for nearly four years. The first Irish Parliament to be held for twenty years met in 1661 and passed the Bill of Settlement, which was strongly opposed by the Catholics. They found favour, however, with James II, and the Parliament which met in 1689 consisted almost entirely of Catholics. It declared its own legislative independence by repealing Poyning's law and passed the first Act establishing religious equality. Matters looked promising for the Catholics until the Revolution under William of Orange changed the aspect of affairs and Protestantism triumphed during the reigns of William III and Anne, when statutes of unparalleled severity were passed against the Catholics. They were banished from the Irish Parliament by an English Act of 1691 which imposed the oath of supremacy upon its members, and in 1727 they were forbidden to vote at parliamentary elections. The struggle for parliamentary independence received a set-back in 1696 when all the Acts of James's Irish Parliament were nullified, but in 1719 Parliament again made an effort to assert its supremacy without success. When George III came to the throne the Irish Parliament was at a low ebb. Only one-sixth of the population—the Protestants—formed the electorate, patrons of boroughs by acting together could command a majority in the House, and self-interest and corruption were all but universal. However, there was a reforming party which secured the passage of a Septennial Bill, which was to ensure the election of a new Parliament every seven years, but the English Parliament insisted on eight years, and the first octennial Parliament was dissolved in 1776. As a result of the great national Volunteer movement in Ireland, Grattan was at last able to

## Isle of Man

secure legislative independence for the Irish Parliament in 1782, but his efforts to secure reforms were unsuccessful. An exclusively Protestant House of Commons in Ireland, largely nominated by landed proprietors, was not a likely body to reform itself. Although the franchise and other civil liberties were accorded to the Catholics in 1792-3, there was bitter enmity between them and the Protestant Orangemen, and party strife culminated in the Rebellion of 1798. When the Rebellion had been crushed, Pitt felt that the only hope for Ireland lay 'in the mild and impartial rule of British statesmen and a united Parliament'. His resolution to that effect was carried in the British House of Commons by 149 votes to 24, and in the Lords without a division. The plan for Union was rejected in the Irish Parliament by a narrow margin, so a system of unblushing bribery was resorted to, and over £1½ million was expended in indemnifying the borough and county interest, the patrons of boroughs receiving £7,500 for each seat in the Parliament that was to be dissolved. The Articles of Union were ultimately carried through both Irish Houses, and brought before the British Parliament on 2 April 1800. The Act of Union received the Royal Assent on 2 July in England and in Ireland on 1 August, and as it was to come into operation on 1 January 1801, on that date the incorporate union of Great Britain and Ireland became an accomplished fact. Under the Act of Union Ireland was to be represented in the Imperial Parliament by 4 bishops, sitting in annual rotation, 28 temporal peers elected for life by the Irish peerage, and by 100 members of the House of Commons. Irish peers not chosen for a seat in the House of Lords were eligible for election to seats in the House of Commons. The 4 bishops were withdrawn after 1 January 1871 on the disestablishment of the Irish Church by the Irish Church Act, 1869, and since Ireland became an independent Free State in 1922 there has been no election of representative peers for Ireland. In 1957 there were 3 remaining in the House of Lords.

### PARLIAMENTS HELD IN IRELAND

1559 Jan:	12 to 1559 Feb.	1	1713 Nov. 25 to 1714 Aug.	1
1568 Jan.	17 „ 1571 April	25	1715 Nov. 12 „ 1727 June	11
1585 April	26 „ 1586 May	14	1727 Nov. 28 „ 1760 Oct.	25
1613 May	18 „ 1615 Oct.	24	1761 Oct. 22 „ 1768 May	28
1634 July	14 „ 1635 April	18	1769 Oct. 17 „ 1776 April	5
1639 March	16 „ 1648 Jan.	30	1776 June 18 „ 1783 July	25
1661 May	8 „ 1666 Aug.	8	1783 Oct. 14 „ 1790 April	8
1692 Oct.	5 „ 1693 June	26	1790 May 20 „ 1797 July	11
1695 Aug.	27 „ 1699 June	14	1798 Jan. 9 „ 1800 Dec.	31
1703 Sept.	21 „ 1713 May	6		

## ISLE OF MAN

. See MANX PARLIAMENT.



# J

## JAMAICAN PARLIAMENT

From its discovery by Columbus in 1494 Jamaica remained in the possession of Spain until it was taken by the English in 1655. For the first few years it was governed by court martial, then in 1661 a Council was elected to advise the Governor, and subsequently a House of Assembly. In 1728 full legislative power was ceded to the Colony in return for an annual subsidy to support the civil government. As a result of riots and disturbances in 1865 the island surrendered its Constitution and agreed that a new one should be made by Order in Council. A single-chamber legislature was thereafter established, partly elected and partly nominated, which lasted until a new Constitution was granted in 1944. This provided for a Privy Council to advise the Governor, an Executive Council to be 'the principal instrument of policy', a Legislative Council (the upper House), and a House of Representatives. The Privy Council is what is normally understood by an Executive Council, and the Jamaican Executive Council occupies the position of a Cabinet. The 1944 Constitution could not properly be called even semi-responsible, as the elected members of the Executive Council were in a minority, but it was changed by an amendment in 1953 which altered the composition of the Council so that it should contain a majority of elected members. It now comprises the Governor, the Chief Minister, 7 other ministers, the Colonial and Financial Secretaries, and 2 members nominated by the Governor from the Legislative Council. The upper House, or Legislative Council, consists of 3 *ex-officio* members, not more than 2 official members and not less than 10 unofficial appointed by the Governor. The lower House, or House of Representatives, has 32 members elected on an adult franchise. Jamaica's Parliament Building, known as Headquarters House, was built at the end of the 18th century for a wealthy landowner's residence. It was later taken over by the officer commanding the forces in Jamaica, and after the great earthquake of 1907 became the Chamber of the then Legislative Council. It has remained the Chamber of the Legislature ever since, but there are plans afoot to erect a Parliament Building to mark the tercentenary of Jamaica's association with Great Britain, which will occur in 1965. Jamaica is a member of the West Indies Federation.

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James VI of Scotland became also James I of England on 24 March 1603. He had not long been on the throne before he made quite clear his views on government, views which are amply set forth in his treatise, 'The True Law of Free Monarchies'. This work asserts the principle of absolute sovereignty and exalts the King above the law. It claims that a monarch is ordained by God to rule over his people, that the state therefore owes him absolute obedience, and that to rebel against him under any circumstances is wickedness. No such doctrine could ever be acceptable to a nation such as the English, and it was inevitable that the King's dogmatic adherence to it should precipitate the great constitutional struggle between Parliament and the Crown which was destined to lead his son and successor to the block. In spite of his assertion of the Divine Right of Kings, James was not a man of evil intentions. But he was intolerant of opposition and, although of high academic attainment, short-sighted to the point of stupidity. Furthermore, he lacked the immense personal prestige which had enabled his imperious predecessor, Elizabeth, to avert the impending conflict.

James's first Parliament met on 19 March 1604, two months after the famous Hampton Court conference which, although it failed in its main object of reconciling the Puritan clergy to the Anglican Church, produced one enduring result in the authorized translation of the English Bible. The Commons were sympathetic to the Puritan cause and the circumstances were thus not very favourable to a harmonious relationship between the King and the lower House. They entered upon their first disagreement almost immediately. The Commons claimed exclusive jurisdiction in the issuing of writs for elections, but those for the recent elections which had returned the Parliament then sitting had been issued under a Royal Proclamation in violation of this privilege. Contrary to one of the provisions of the proclamation an outlaw, Sir Francis Goodwin, had been returned for the county of Buckinghamshire. The election had been declared void and a second candidate, Sir John Fortescue, chosen in place of Goodwin. The Commons, however, declared that Goodwin had been lawfully elected and should be allowed to take his seat. The matter was eventually settled by compromise when the King proposed that neither candidate should be returned and a new writ should be issued. The claim of the Commons was never again challenged, and as a conciliatory gesture they passed a Bill disqualifying outlaws for the future.

In accordance with past precedents the Commons passed a Bill granting the King tonnage and poundage for life, but later in the session they showed such reluctance in granting a subsidy that James was moved to write to them declining any further supply. This disobliging

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tendency on the part of the Commons was no doubt a reflection of their dissatisfaction at the King's manner of dealing with them during this session, as a request for a subsidy was by no means unreasonable at the beginning of a new reign. The proceedings of the lower House prior to this incident had greatly displeased the King. The Commons had attempted to persuade him to abandon his right of purveyance and his feudal rights in exchange for a revenue which he considered to be inadequate. They had shown no enthusiasm for a complete and immediate union between England and Scotland, a scheme on which the King had set his heart. His proposal that he should be styled King of Great Britain was later perforce abandoned upon the Commons declaring that they were not competent to legislate for Great Britain. When they insisted on debating church matters in defiance of his wishes James decided that the time had come to administer a formal rebuke and on 30 May he came down to Parliament for the purpose. The Commons' reaction was to appoint a committee to prepare a vindication of their proceedings. The resulting document, entitled 'A Form of Apology and Satisfaction to be delivered to His Majesty', was a firm assertion of their rights and liberties and a total refutation of James's doctrine of Divine Right. The Commons claimed that their privileges were their right and inheritance no less than their lands and goods; that to withhold from them their privileges was to wrong the state as a whole; that the formal request to enjoy their privileges at the beginning of a Parliament was only an act of manners and did not weaken the right; that their House was a court of record; that there was no higher court in the land than the High Court of Parliament; and that they were the sole proper judge of the election of members to their House. They declared that their privileges had been more dangerously impugned than at any time previously, their freedom of speech threatened, and their House made contemptible in the eyes of the world. They reminded the King that in all the matters he complained of they had proceeded according to their constitutional rights, and continued significantly: 'What cause we, your poor Commons, have to watch over our privileges, is manifest in itself to all men. The prerogatives of princes may easily, and do daily, grow. The privileges of the subject are, for the most part, at an everlasting stand. They may be by good providence and care preserved; but being once lost, are not recovered but with much disquiet.' This document, although read in the House, was never presented to the King, but the Commons were satisfied in having placed their contentions on record.

In considering the grievances of the subject, the Commons discussed the matter of the trading monopolies which seriously restricted the activities of merchants who did not belong to the privileged companies such as the Merchant Adventurers, the Levant Company, and the Muscovy Company. They passed a Bill to free foreign trade, but it

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was rejected by the Lords. Amongst the other matters which occupied the Commons during this session was a question regarding their own constitution which resulted in the disqualification of mayors from sitting in the House, and a matter of privilege affecting a member, Sir Thomas Shirley, who had been committed to prison for debt. The release of the member was effected, and the resulting statute passed by Parliament to protect those having the custody of such persons and to empower a creditor to proceed with an action against a debtor no longer sheltered by privilege has been described as the first legislative recognition of privilege.

Only on one matter did the Commons find themselves in agreement with the King. The rising tide of popery was causing the King to regret his former tolerance towards Catholics, and he indicated his wish for new laws to restrict their activities. The intolerance and indeed the hatred which were felt for the Roman Church in the 17th century may not easily be comprehended in this more enlightened age; but her power was formidable and dangerous to those she regarded as heretics. She made no secret of her determination to destroy heresy by force, neither did she shrink from extreme ruthlessness. In oppressing innocent Catholics at home many a righteous Englishman believed he was doing his duty in protecting his country and his religion. It was not surprising, therefore, that in the House of Lords a peer was committed to prison for observing, 'We have been misled to forsake the religion of our fathers, and to follow some light persons.' One of Parliament's last deeds of the session was to pass an Act confirming the cruel penal statutes which had been passed against Catholics during Elizabeth's reign. Shortly afterwards, on 7 July, the King prorogued Parliament, again scolding the Commons for their refractory behaviour.

The second session of James's first Parliament began on that celebrated date, 5 November 1605. The enforcement of the laws against recusants had provoked a group of Catholics to hatch the notorious Gunpowder Plot (q.v.) which was discovered and foiled at the eleventh hour. The conspirators were either killed or captured and subsequently executed. The revelation of the plot naturally heightened the intensity of the feeling against Catholics, although the vast majority of the English Catholics were in no way associated with it. Nevertheless, Parliament in a spirit of revenge set about imposing even further grievous burdens upon recusants during this session. In opening the session the King affirmed his view that Parliament was the Sovereign's great council and not a place 'for every rash and hare-brained fellow to propose new laws of his own invention' or for a member to make a show of his eloquence. The Commons were not unduly offended at this admonition and agreed to vote liberal subsidies in order to relieve the King's financial stresses. No doubt their sense of common deliverance from the machinations of the gunpowder conspirators

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had induced a more complaisant mood where the King was concerned. But they were not as yielding as the King could have wished, as the subsidy Bill was accompanied by a list of grievances and also by another attempt to restrict the King's right of purveyance. Parliament was prorogued on 26 May and assembled again for its third session on 18 November.

The third session was mainly devoted to a consideration of the King's project for a complete union of the two countries over which he ruled. Although he was ably supported in the House of Commons by Sir Francis Bacon, the lower House continued to show a marked lack of enthusiasm for the scheme; neither were any signs of support forthcoming from the Scottish Parliament. The only concession which the Commons were prepared to make was to repeal the statutes under which Scots were regarded as enemies and aliens provided the Scottish Parliament would reciprocate in favour of the English. James also secured a legal decision in his favour ruling that the *post-nati* (i.e., Scots born since his accession to the English throne) were entitled to the rights and privileges of English subjects.

Displeased at the attitude of the Commons, James prorogued Parliament on 4 July 1607, and determined to defer another session as long as possible. In the two and a half years which elapsed before Parliament assembled for its fourth session on 9 February 1610 much had occurred to occasion popular discontent. Religious differences had become aggravated, particularly by the attitude of the Anglican clergy in supporting the King's claim to absolute power. The ecclesiastical courts, which enjoyed the King's favour, had been in continual conflict with the Courts of Common Law. James had maintained the odious Tudor practice of proclaiming new offences and penalties without regard for the existing law. The most pressing grievance, however, was the levying of impositions upon merchandise without parliamentary consent. These exactions were in violation of a statute of Edward I, many times reaffirmed, providing that no charges could be levied upon the people without the consent of Parliament. Despite these illegal duties the King was sorely in need of supply, but the Commons were bent on securing redress of their grievances. They proceeded to discuss the impositions, and the King sent a message imperiously forbidding them to encroach upon his prerogative. But the Commons were not to be bullied into submission, and being in great need of money James suffered them to continue with their consideration of the matter. There followed a great debate in which Bacon spoke on behalf of the Crown, but for all his ability he was overshadowed by the opposition speaker. The Commons fully realized that to acknowledge the right of the King to impose duties according to his will would be to surrender their own control over all taxation. They therefore agreed to draw up a petition for the removal

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of the impositions. At this stage the King proposed a compromise to the effect that duties already imposed should be retained but that no new ones should be levied. A Bill was drawn up embodying this proposal but it was rejected by the Lords, and the entire matter remained in dispute.

Early in the session the Commons scored a victory by securing the suppression of a law dictionary entitled *The Interpreter* which had been written by one Dr. Cowell. This work gave unqualified support to the doctrine of Divine Right, asserting that the King had full legislative power independently of the two Houses of Parliament, and its publication had given great offence to the Commons. Even James was forced to admit that Cowell had gone too far and he agreed to the suppression of the book.

When Salisbury, the Lord Treasurer, made known the King's financial requirements, the Commons revived their proposal that James should surrender his feudal rights in exchange for a fixed annual income of £100,000. This was not acceptable to the King and he demanded a considerably higher compensation which the Commons rejected. The matter was reopened after the debate on the impositions had taken place, and negotiations ensued which resulted in a settlement known as the Great Contract. The parties agreed that the King should receive an income of £200,000 in return for a number of concessions, including the abolition of purveyance and military tenures. Parliament was prorogued on 23 July, but when it reassembled on 16 October both sides had had second thoughts. The Commons were unwilling to conclude the bargain until their grievances were redressed, and the King had decided that the terms of the settlement were not sufficiently favourable to him. The negotiations proved abortive and, despairing of a subsidy, James dissolved his first Parliament on 9 February 1611. He parted on very harsh terms with the Commons, to whom he delivered a bitter rebuke.

With the death of Salisbury in 1612 James lost his ablest counsellor, and for the remainder of his reign he was influenced by his own rash judgment or by some capricious favourite. One such intimate was Robert Carr, who was later created Earl of Somerset and was the first Scot to take his seat in the House of Lords. With his connivance, the King resorted to various devices for raising money, including the sale of baronetcies, but he was unable to close the gap between his income and his expenditure, and by 1614 he was driven to the necessity of calling a new Parliament. The problem facing the King was how to win the favour of the Commons without being forced into making concessions distasteful to him. The only answer was to attempt to influence the elections, and efforts were made by a group of courtiers who became known as the 'undertakers' to secure the return of candidates amenable to the royal will. The attempt failed, and James's

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second Parliament, which met on 5 April 1614, proved as unyielding as the last. The Commons immediately brought up the matter of impositions and called for a conference with the Lords. The Lords rejected the proposal, thus provoking a dispute between the two Houses which was further aggravated by some remarks uttered by Bishop Neile to which the Commons took exception. Frayed tempers led the Commons into prolonged and futile discussions which kept them from their normal business. This was most trying to the King whose needs had become urgent, but he could do nothing with them. In a fit of rage he sent for them and tore all their Bills before their faces, and on 7 June he dissolved Parliament. No Parliament before or since has ever proved so unfruitful. It granted no Supply and passed not a single Bill, and has in consequence become known to history as the Addled Parliament (q.v.).

For seven years no further Parliament was summoned. During that time the King resorted to illegal methods of raising money, including the exaction of benevolences, the letting out of monopolies, and the sale of peerages. Popular feeling was further antagonized by the proceedings of the Court of Star Chamber, and the unjust execution of Sir Walter Raleigh did not tend to enhance the reputation of the King. These years also witnessed the fall of the Earl of Somerset and the rise of another favourite, George Villiers, afterwards Earl of Buckingham, the dismissal of Chief Justice Coke, and the promotion of Bacon to the Lord Chancellorship.

The third Parliament of the reign met on 30 January 1621. In opening the first session James endeavoured to create a conciliatory atmosphere and even took upon himself some of the blame for former disagreements. He ascribed his misunderstandings with his first Parliament to his lack of familiarity with the customs of the kingdom, and the failure of his second to 'a strange kind of beasts called undertakers'. He pledged himself to the protection of the Church and reminded the Commons that he had received no grant of Supply for ten years. But the Commons were as resolute as ever over their grievances. The opposition leaders of the former Parliament had again been returned, together with Coke, who since his loss of office had espoused the popular cause, and John Pym, who was destined to win great fame in the following reign. The Commons began, as they had begun the previous Parliament, by taking communion in a body in order to exclude any Catholics who might have been elected, and they urged the enforcement of the penal laws against recusants. Coke moved for a Committee of the Whole House to consider grievances, which began by discussing past violations of the privilege of freedom of speech. The King reminded the Commons of his requirements, and in token of their goodwill they voted two subsidies, but they quickly returned to their grievances and concentrated particularly on

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the monopolies and the gross abuses associated with them. Much scandalous corruption was exposed and a number of impeachments resulted from the investigations of the Commons, notably that of Sir Giles Mompesson who had been granted a patent empowering him to issue licences to innkeepers. The Commons performed a great public service in bringing to book a bunch of scoundrels and relieving many an honest tradesman from oppressive hardship. The next victim of the Commons' reforming zeal was, however, far removed from the breed of Mompesson. A committee which had been appointed to investigate judicial corruption disclosed some grave malpractices in the courts of justice. Charges were laid before the House of Lords, and there followed the most famous impeachment of the reign, that of Lord Chancellor Bacon. Bacon was a great and wise man whose career was unfortunately not free from discreditable episodes. If he had not been wilfully corrupt he had certainly been recklessly indiscreet in his acceptance of gifts. He offered no defence in the face of the evidence submitted against him and was adjudged guilty. Although his sentence of a fine and imprisonment was not enforced he was ruined and retired a broken man. It neither excuses Bacon's conduct, nor does it detract from the high credit due to the Commons, to regret the downfall of one of the most eminent men of the age.

There was one case during this session which redounded to the credit of neither House. A Roman Catholic barrister named Floyd was alleged to have used certain words to which the Commons took exception and he was ordered to the Bar of the House to answer for his offence. He was found guilty and sentenced to stand three times in the pillory and to pay a fine of £1,000. The King questioned the jurisdiction of the Commons in the matter and referred the case to the House of Lords. With inexcusable savagery the Peers increased the severity of the sentence by raising the fine to £5,000 and adding perpetual imprisonment and a public flogging to the penalties. In this affair the King emerged very favourably. He at once remitted the flogging and at the end of the session he also remitted the fine and caused Floyd to be released.

The Commons were still immersed in their grievances when the King, growing impatient, ordered Parliament to adjourn on 4 June. When it reassembled on 20 November a fresh issue arose between the King and the Commons in the shape of foreign policy. In Europe the Thirty Years War had broken out. Predominantly a religious struggle between the Catholic and Protestant rulers of Central Europe, the starting-point of the conflict had been the claim of Frederick, the Elector Palatine, to the throne of Bohemia. In the course of events the Palatinate itself was invaded and lost to Frederick. Whilst sympathizing with the Protestant cause on the Continent, the Commons were not unduly concerned over so remote an issue as the loss of the Palatinate. Their



hatred was directed against Spain as the arch-enemy of non-Catholic Christendom. The King, for his part, was anxious to avoid war with Spain, for not only did he fancy himself as the international mediator but he was keen to promote a Spanish marriage for his son Charles. The King's policy was totally repugnant to the Commons, who drew up a petition urging the enforcement of the laws against popery and pressing for a war with Spain and the abandonment of the negotiations for a Spanish match. On hearing of the petition James wrote an angry letter to the Speaker commanding him 'to make known our name unto the House, that none therein shall presume henceforth to meddle with anything concerning our Government or deep matters of state'. The Commons at once devoted themselves to the matter of privilege, setting aside all other business. In answer to a second petition the King asserted that they enjoyed their privileges only by grace of the Sovereign. Unable to allow this claim to pass unchallenged, the Commons, on 18 December 1621, entered the following famous Protestation in their journals:

The Commons now assembled in Parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, privileges and jurisdictions of Parliament, amongst others nor herein mentioned, do make this protestation following:

That the liberties, franchises, privileges and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the King, State and defence of the realm, and of the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament; and that in the handling and processing of those businesses every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason and bring to conclusion the same; that the Commons in Parliament have like liberty and freedom to treat of those matters in such order as in their judgments shall seem fittest; and that every such member of the said House hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the House itself) for, or concerning, any bill, speaking, reasoning, or declaring of any matter or matters touching the Parliament or Parliament business; and that if any of the said members be complained of, and questioned for anything said or done in Parliament, the same is to be showed to the King by the advice and assent of all the Commons assembled in Parliament before the King give credence to any private information.

The King was furious and, sending for the journals, he tore out the Protestation with his own hand. On 8 February 1622 he dissolved Parliament. The Spanish marriage did not take place and Charles eventually married Henrietta Maria of France.

James's fourth and last Parliament met on 12 February 1624. Again the popular leaders were returned together with two others destined

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to fame, John Selden and Sir John Eliot. In his opening speech the King declared that it was his wish to maintain the liberties of the Commons, but he went on to enjoin them, 'Let not any stir you up to law questions, debates, quirks, tricks and jerks, but continue yourselves in that honest modesty, whereby you may have my prayers to God for you, and procure the love of me, and a happy end to this Parliament.' The Commons, strongly Protestant as ever, were united in their hatred of Spain and their eagerness to enforce the laws against recusants, whilst the King was anxious to avoid war with Spain but keen to recover the Palatinate on behalf of his son-in-law, Frederick. The Commons were persuaded into voting subsidies amounting to £300,000, but they specified the purposes for which the grant was made, namely, to take measures in readiness for a war with Spain. They also insisted that the money should be paid over to treasurers appointed by Parliament. This Parliament is notable for the passing of the greatest statute of the reign, that abolishing the monopolies. The second outstanding incident was the impeachment of the Earl of Middlesex, the Lord Treasurer, for corrupt activities, a proceeding largely engineered by his bitter enemy, Buckingham. In spite of Buckingham's personal motives it transpired that the Earl had committed some unpardonable misdemeanours and he was found guilty.

The King soon became irritated by the insistence of the Commons on their attitude towards Spain and the Catholics at home, and on 29 May he prorogued Parliament. It was prorogued on three subsequent occasions but never summoned again, for on 27 March 1625 James died.

During the reign of this monarch the popular cause made considerable advances. The Commons successfully reasserted their rights of freedom of speech, appropriating supplies, determining contested elections; and impeachment; they secured the statutory abolition of monopolies; and in the impeachments of Bacon and Middlesex can be detected the first signs of the principle, now unquestioned, of ministerial responsibility to Parliament.

As a monarch James I, in spite of many deficiencies, had redeeming qualities. In some respects his views were more advanced than those of the popular party, notably on the matters of religious toleration and the union of the two kingdoms. But his convictions were incompatible with those of a freedom-loving people and, inherited as they were by his successor, could only bring disaster to the dynasty.

## JAMES II (1688-1701) AND PARLIAMENT

James II came to the throne on 6 February 1685. Although he was an acknowledged Catholic his accession provoked no immediate unrest; in fact, the attitude throughout the country seemed to favour giving the new reign an opportunity to succeed. The new King was

supported by moderate opinion, and those who opposed him kept their views to themselves. To begin with he adopted an inoffensive policy, promising that the established Church would be protected and that the prerogative would not be abused. He announced, however, that his brother had died in the Catholic faith; shortly afterwards he attended a public celebration of Mass and at his coronation the Anglican ritual was curtailed.

In spite of his promises James was a typical Stuart. He was no believer in free Parliaments, and his only motive in deciding to call one was to legalize the question of the Crown revenues which he had been collecting without parliamentary sanction. He made quite certain, however, that the elections would produce a result favourable to himself by manipulating the charters of towns in order to give his supporters control of the franchise. The charters of the City of London had been confiscated by Charles II in consequence of that monarch's displeasure with the capital, and they had been restored in much mutilated form with the object of making the corporation the mere instrument of the King's will. The elections thus returned an overwhelming Tory majority to the House of Commons.

James's one and only Parliament met on 19 May 1685. In his speech opening Parliament, the King made quite clear his real views on the matter of Parliament and the prerogative, and it contained a veiled threat to the effect that if the Commons failed to vote him the supplies he wanted they could expect him to follow in his father's footsteps and govern without Parliaments. The Commons agreed to the grants required without demur. The Lords, for their part, repealed a resolution which had provided that proceedings begun on an impeachment by the Commons should not be annulled by a dissolution, and Danby and others were released in consequence. But there was one matter, that of religion, on which the King could not command the subservience of Parliament. The first sign of dissension appeared when the Commons recommended that the penal laws should be put into operation against all dissenters from the Church of England. The King could not have complied with this request without including his fellow Catholics amongst the victims, and by threats of his personal displeasure he induced the Commons to amend their resolution to one expressing confidence in His Majesty's undertaking to protect the established Church.

Parliament remained loyal to the King when the Monmouth Rebellion broke out in June and passed a Bill of Attainder against the Duke together with an extraordinary vote of Supply and a Bill for the protection of the King's person. On 2 July Parliament was prorogued and four days later Monmouth's Rebellion was effectively suppressed at Sedgemoor. A similar rising in Scotland, led by the Earl of Argyll, had been dealt with even more easily and its leader executed. Monmouth

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soon followed Argyll to the scaffold, and the notorious Bloody Assizes ensued to which James gave his fullest approval, Jeffreys being shortly afterwards promoted to the Lord Chancellorship.

The King's true regard for parliamentary government and the law was soon evidenced when Parliament reassembled on 9 November. In opening the session he announced his intention of raising a standing army, referring to the recent rebellion in justification of his decision. He also made it clear that he intended to defy the Test Act, a measure passed during the previous reign under which Catholics were disqualified from holding commissions in the army. At the same time he failed to repeat his assurances with regard to the established Church. He could not have resolved on a course more hateful to the country at large. The question of military authority had long been a point at issue between the Crown and Parliament, for the personal power of a sovereign with a standing army under his direct control could well become irresistible, thus rendering Parliament ineffectual. In violating the Test Act the King not only demonstrated his disregard for the law but gave a practical indication of his religious policy. The Commons agreed to a grant of Supply for which the King asked, but they made it clear that they would tolerate neither a standing army nor the violation of the Test Act. Strenuous opposition was expressed to the King's support and encouragement of popery, and an address was prepared and presented to James reminding him of the law and desiring him to dismiss his Catholic officers. The King's reaction to the address was so restrained that the majority of the Commons were mollified. They even committed one of their number, Coke, to the Tower for 'his indecent and undutiful reflecting on the King and this House' in remarking, 'I hope we are all Englishmen, and are not to be frightened out of our duty by a few high words.' The Lords, however, were not so readily satisfied by the King's reply. The Bishop of London, Henry Compton, in a speech of great force and conviction warned the House of the implications which a violation of the Test Act would involve. 'If it were acquiesced in,' he declared, 'all the higher posts would very soon be filled with Catholics, and the whole administration would assume a Catholic character.' With these words he hit upon the King's very objective, which was ultimately nothing less than the re-establishment of the Roman Catholic religion in the country.

It was the attitude of the Lords which precipitated a dissolution. The King saw the danger to his plans in the steps which the Lords might propose to take, particularly if they appealed to the judges and obtained a legal decision against his actions. Although both Houses were prepared to indemnify his Catholic officers against the penalties they had incurred by accepting commissions, James was not prepared to abandon his designs and preferred to forgo his grant of Supply. He prorogued Parliament on 20 November before the Lords could resume

their debate, and prorogued it six times in all before he finally dissolved it on 4 July 1687.

The developments which led up to the Revolution of 1688 and the abdication of the King may be briefly summarized. By now James had alienated many of his former supporters and the country was left in no doubt as to his intentions. He proceeded to govern without Parliament, like his father before him, and he conferred high offices on Roman Catholics. To further the Catholic ascendancy he revived the Court of High Commission as a result of whose action popery was introduced into the universities, the fellows of Magdalen College, Oxford, being expelled through his personal intervention. On 4 April 1687, the King issued his first Declaration of Indulgence in favour of all Dissenters, thus hoping to win Nonconformist support against the Anglican Church. His second Declaration of Indulgence followed on 27 April 1688, and was ordered to be read in all churches on two successive Sundays. This provoked the famous petition of the seven bishops protesting against the illegal use of the dispensing power in matters connected with the Church. The bishops were committed to the Tower and sent for trial on a charge of libel, but popular pressure proved stronger than that of the court and the jury returned a verdict of not guilty. The King now faced the first serious reverse of his reign, and the birth of a son to the Queen at this time probably strengthened the resolve of the people to get rid of the Stuart dynasty once and for all. On the same day as that on which the bishops were acquitted seven of the most prominent men in the country representative of all sections of Protestant opinion invited the Prince of Orange to England. William had close ties with England as a grandson of Charles I and through his marriage with Mary, the King's daughter. There were those who during the previous reign had entertained hopes of securing the succession in William's favour, and in the light of recent developments many eyes were now turned towards him. This trend was further accelerated by a fear existing in the country that the aggressive alliance which had been concluded between Charles II and the King of France had been renewed by James. Conscious of the rapidly growing feeling against him James realized the need for concessions. He agreed to the abolition of the High Commission, the restoration to Magdalen College of its previous constitution, and to the City of London and other boroughs their confiscated charters. He even consented to the permanent exclusion of Catholics from the House of Commons. But he shrank from calling a new Parliament, knowing full well that elections would not turn in his favour.

James's relations with William of Orange had deteriorated, the former's suspected alliance with France being a strong contributory factor, and the King's failure to summon a Parliament heightened the agitation at home. On 10 October William issued a declaration setting

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forth the grievances of the British people and demanding the calling of a Parliament. James, in a desperate effort to rally the country to his side in the face of a threatened Dutch invasion, made further concessions to popular feeling, but William issued a second declaration refuting the value of any concessions which failed to guarantee the security of religion and the end of arbitrary government. On 5 November William landed with his forces at Torbay. Strangely enough he was not received with the enthusiasm he had expected. The country had fallen into a state of apathy, no doubt temporarily lulled by the King's recent concessions. Had James at this time acted with shrewdness and determination, had he at once called a Parliament and dismissed all Catholics from office, he could probably have rallied the nation to his side and taken advantage of the Briton's natural repugnance to a foreign invader. But James was not a man of this calibre, neither was he in harmony with the feelings of his people. His concessions had been made in no spirit of understanding or generosity but merely as a matter of expediency, and now that he was faced with a situation demanding firm action he could only vacillate and waver. After some days of inactivity, the leading men in the nation began to join William. The revolution was a relatively peaceful one and little blood was shed. James's courage failed him and he decided on flight, eventually making his escape to France on 22 December. With the abdication of this misguided monarch, Stuart tyranny and misgovernment perished for ever.

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*See* CHANNEL ISLANDS LEGISLATURES.

## **JEWS IN PARLIAMENT**

The first Jew to be elected a Member of the House of Commons was Baron Lionel de Rothschild. He was returned for the City of London in 1847, but as he could not take the oath which then contained the words 'on the true faith of a Christian' he was not allowed to take his seat. He waited for two years hoping that the Jewish Disabilities Bill would be passed to enable him to take the oath in the manner of his people, but although it passed its third reading in the Commons it was thrown out by the Lords. He thereupon resigned his seat, but was re-elected for the same constituency. Still the Commons refused to allow him to take his seat in the House, and for seven years he occupied a seat below the Bar without the right to vote. In 1851 Sir David Salomons, elected member for Greenwich, took his seat and voted in the House, for which offence he was fined £500. At last, after much opposition from the Lords, a Bill was passed in 1858 giving each House power to provide by resolution for the admission of Jews. Baron de Rothschild was the first to take advantage of the change—eleven years after his first election.

## Joint Committees

The most famous parliamentarian of Jewish birth was of course Benjamin Disraeli, who although a baptised Jew lost no opportunity of referring to his race with pride. The first Jewish Member of the House of Lords was the son of the first Jewish Member of the House of Commons. He was raised to the peerage as Lord Rothschild in 1885. There are at present (1957) 13 Jewish peers and 18 Jewish Members of the House of Commons.

### JOHN (1167?-1216),

Sixth and youngest son of Henry II, succeeded his brother Richard I and was crowned on 27 May 1199. His reign was an inglorious one, notable, however, for Magna Carta (q.v.), the last great constitutional development before the coming of Parliament (q.v.).

### JOHNSON, DR. SAMUEL (1709-1784)

Amongst Dr. Johnson's lesser-known works are his reports of parliamentary debates which were published in the *Gentleman's Magazine* from July 1741 to March 1744. Johnson was never in the gallery himself and he did not report the actual speeches made in Parliament. He re-wrote them in his own unmistakable and rather ponderous style, and it is said that some of his reports bore little relation to the real debates. A strong Tory himself, he took no pains to conceal his bias, and on one occasion he is reported as having remarked, 'I took good care that the Whig dogs should not have the best of it.'

In Johnson's day the reporting of parliamentary proceedings was punishable as a breach of privilege, and the *Gentleman's Magazine* took certain precautions to avoid any possible consequences. Fictitious names were used for members (very often rather obvious anagrams of the real names were employed), and the debates purported to be those of the 'Senate of Lilliput'. Publication was often delayed until some time after the session, and the last report by Johnson was of a debate on 22 February 1743.

Johnson's *Parliamentary Debates* were published with his collected works in two separate volumes in 1787. They are one of the sources used by Cobbett and Wright in the compilation of the *Parliamentary History* (q.v.).

## JOINT COMMITTEES

Joint Committees composed of an equal number of members of both Houses are appointed from time to time at the instance of one House or the other. They generally consider some matter which has aroused interest in both Houses, and the general concern over the question of India resulted in the appointment of the Joint Committee on Indian Constitutional Reform in 1933. A Joint Committee which

## Joint Session

is set up every session deals with the committee stage of Consolidation Bills, thus saving the detailed committee work in both Houses. The powers given to a Joint Committee are those which may be given to a Select Committee, and the procedure adopted is that of the committees of the House of Lords. For example, the Chairman of a Joint Committee votes like the other members and has no casting vote as in the House of Commons committees. If the votes are equal the question is decided in the negative. An interesting feature of a Joint Committee is that there is no common quorum—the Commons members must have a quorum (which has been given them by their House) and the Lords must have theirs (3 members) as if it were a meeting of two separate committees.

The report of a Joint Committee is presented to both Houses—by the Chairman to the House to which he belongs, and by a member selected by the committee to the other House. If the Joint Committee has been considering a Bill the report is made to the House which originated it. Since 1935 it has been the practice, when both Houses order the report of a Joint Committee to be printed, to publish the report as a joint House of Lords and House of Commons paper.

## JOINT SESSION

The meeting together of both Houses of a bicameral legislature for the purpose of settling a disagreement between them (e.g., this is allowed by Section 57 of the Australian Constitution) or where it is necessary that a majority of both Houses sitting together should be obtained before changes can be made to the Constitution or certain types of legislation passed. There is no provision for joint sessions of the House of Commons and the House of Lords, but they can be held in the Parliaments of Australia, South Africa, and India.

## JOURNAL OFFICE

One of the offices in the House of Commons in the department of the Clerk of the House. Its principal duty is the compilation of the daily Votes and Proceedings (q.v.) and the Journal of the House of Commons (q.v.), and it also arranges for the tabling of papers presented to the House. This office also deals with petitions and the activities of the Committee on Public Petitions. A similar office exists in the House of Lords.

## JOURNAL OF PARLIAMENTARY INFORMATION

Issued twice yearly in April and October by the Lok Sabha (House of the People) Secretariat in New Delhi, the first number appearing in April 1955. Its notes and articles cover parliamentary affairs in both Commonwealth and foreign countries.



## JOURNAL OF THE HOUSE OF COMMONS

The official permanent record of the proceedings of the House of Commons, not to be confused with Hansard (q.v.) which is a verbatim report of the debates. The Journal, which is prepared in the Journal Office from the Votes and Proceedings and the minute books of the Clerks-at-the-Table, is published annually and usually records the proceedings of one session. It is compiled in the form of a continuous narrative, except for proceedings in Committee of the Whole House which are recorded in the language of the Votes and Proceedings; according to Erskine May, this is possibly because until 1829 proceedings in committee were not noticed in the Journal.

The Journal of the House of Commons was begun in 1547 by John Seymour, the Clerk of the House. Except for a short break during the reign of Elizabeth I the compilation of the Journal has been continuous since that year. Seymour appears to have undertaken the task voluntarily as there is no record of its forming part of his official duties. His journal began as a simple record of the readings of Bills, and although he expanded it over the years from three pages to eleven pages per session it was always in the form of notes. Fulke Onslow, Clerk of the House from 1567 to 1602, continued Seymour's work on a larger scale. His journal provided a reasonably detailed account of each day's proceedings, including annotations of members' speeches. In 1628, however, as a result of the King expressing a desire to see a speech entered in the Journal, the House resolved that 'the entry of the clerk of particular men's speeches was without warrant at all times'.

It is not known when the Journal became the official record of the proceedings of the House. According to Mackenzie (*The English Parliament*), the first evidence of this appears in February 1623/4, when the House resolved to appoint a committee to 'survey the clerk's Book of Entries every Saturday in the afternoon'. The earliest reference to its use as an authoritative source of precedent comes from June 1580/1, when a precedent was sought for the procedure to be followed upon a vacancy in the Speakership.

The Journal of the House of Commons was first ordered to be printed by Speaker Onslow (q.v.) in 1742. An index to the Journals from 1547 to the death of Queen Anne was compiled by Sir Thomas Erskine May (q.v.). Until 1866 the days and months of the year were given in Latin, but to-day the English form is used. The Journal of the House of Lords retains the Latin form, however. As the official record of the proceedings of the House the Journal is accepted as evidence in a court of law.

Both Houses of the Canadian Parliament also maintain a Journal of their proceedings.

## Journal of the House of Lords

### JOURNAL OF THE HOUSE OF LORDS

The official record of the proceedings of the House of Lords, not to be confused with the official verbatim report of debates known as Hansard (q.v.). The Journal is compiled from the Minutes and Proceedings and is a far more detailed record. It records the names of peers attending each sitting and the name of a member who moves the second reading of any Bill. Proceedings in Committee of the Whole House are entered in detail and Select Committee reports included in full. The letters patent and writ of summons of a newly created peer are entered verbatim upon his introduction into the House, and a peer succeeding by descent may, if he wishes, lay upon the Table of the House the letters patent by which the title he inherits was granted in order that they may be entered in the Journal.

As a complete record the Journal of the House of Lords dates from the year 1509, but surviving fragments of earlier journals prove that a record was being compiled early in the 15th century. In the opinion of Mackenzie (*The English Parliament*), the Lords Journals were probably originated by John Fawkes, Clerk of the Parliaments from 1447 to 1470/1. The Journal did not become an official record until 1620/1 when the Lords appointed a committee 'to view and examine the entries of the Journal Book'.

Like the Journal of the House of Commons, the Lords Journal is published annually. The Lords appoint a committee every session 'to peruse and perfect the Journals of this and former sessions of Parliament', but no meetings of this committee have taken place for a long time.

### JOURNAL OF THE PARLIAMENTS OF THE COMMONWEALTH

A publication of the Commonwealth Parliamentary Association (q.v.), formerly entitled the *Journal of the Parliaments of the Empire*, and first published in 1920. It consists of summarized extracts from the debates of Commonwealth legislatures, and its distribution is limited to members of the association.

### JOURNAL OF THE SOCIETY OF CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS

See SOCIETY OF CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS.

### JUDICIAL OFFICE

One of the offices of the House of Lords which deals with its appellate jurisdiction. It supervises the preparation and arrangements for the hearing of appeals, as well as the taxation of judicial costs.

# K

## KANGAROO

See SELECTION OF AMENDMENTS.

## KENYA LEGISLATIVE COUNCIL

From 1895 to 1905 Kenya was administered by the Foreign Office, when control was transferred to the Colonial Office. The East African Order in Council of 1906 replaced the Commissioner by a Governor and provided for Executive and Legislative Councils, to which latter body was transferred the power of making ordinances, hitherto vested in the Commissioner. Its first session was held in August 1907. The first election of European members was held in 1920, and although an Ordinance of 1924 provided for the election of 5 Indians and 1 Arab, the full complement of Indians was not achieved until 1934, when 2 additional nominated unofficial members were added. One of these represented African and the other Arab interests, in addition to the elected Arab member. In 1944 the first African took his seat in the Council, and in June 1948 the Council assembled for the first time with a majority of unofficial members. In 1952 further legislation was enacted whereby provision was made for the election of 14 European, 1 Arab, and 6 Asian members. In addition 6 African members and 1 Arab representative member were nominated by the Governor, making a total of 28 non-Government members as against 26 Government members (8 *ex-officio* and 18 nominated). Under the Legislative Council (African Representation) Ordinance of 1956, the 6 African members are now elected by Africans, for which purpose the Colony is divided into 6 electoral areas. Male and female Africans over 21, who are not otherwise disqualified, can have from one to three votes, according to their educational and other qualifications.

The Speaker and the member who presides in his absence are appointed by the Governor. A Council of Ministers, including the Deputy Governor and the Chief Secretary, was set up in 1954 and this is the principal instrument of government. The Executive Council consists of the ministers and such other persons as may be appointed by the Governor.

Kenya's fine new Parliament Buildings in Nairobi were opened in February 1954.

## Khaki Election

### KHAKI ELECTION

In September 1900 the Conservative Government dissolved Parliament and appealed to the country on the ground that it was necessary to bring to an issue the question of fighting the war in South Africa to a finish. The General Election in October, which was the work of Chamberlain, became known as the 'Khaki Election' because it was felt that the dissolution of Parliament was an attempt to capitalize the emotions of military victory in terms of votes for the Government. The Conservatives were returned to power with a majority of 134. The 'Coupon Election' (q.v.) of 1918 is also sometimes known as the 'Khaki Election'.

### KILPIN, RALPH P. (1887-1955)

For ten years, until his retirement in 1950, Clerk of the South African House of Assembly. He had forty-five years' parliamentary experience in South Africa and was the author of *Parliamentary Procedure in South Africa* (3rd edition, 1955).

### KING'S COUNCIL

See CURIA REGIS.

### KING'S ROBIN ROOM

See QUEEN'S ROBIN ROOM.

### KITCHEN COMMITTEE

A Select Committee which is appointed at the beginning of every session in the House of Commons 'to control the arrangements for the Kitchen and Refreshment Rooms'. This Committee of 13 members, 4 being the quorum, differs from all others in that it has executive powers quite independent of the House itself. Questions may be addressed to the Chairman in the House on the committee's administration of the Refreshment Department.

The present catering arrangements date from 1848, when a Select Committee was appointed, following the destruction of Bellamy's Kitchen (q.v.) in the fire of 1834, 'to inquire into the proposed arrangements of the Kitchen and Eating and Accommodation Rooms for members and officers of the House of Commons in the New Palace of Westminster'. Its report recommended the appointment of a Sessional Committee to control the arrangements, and the new régime was installed immediately the Commons entered into occupation of their new home. For a period the actual work of catering was left to a contractor, who received a grant from public funds and supplied refreshments at fixed rates. Eventually the committee took the duties into their own hands, and since 1884 have worked the department under

## Kitchen Committee

a manager in the same way as the house committee of an ordinary club. The Refreshment Department is not self-supporting, and the Kitchen Committee receives a grant-in-aid of about £12,000 a year. Mr. Speaker Lowther said in 1906 that whilst the arrangements for food and drink rest entirely with the Kitchen Committee, he must reserve to himself the decision as to what persons are permitted to make use of the rooms within the precincts of the House of Commons.

# L

## LABOUR AND NATIONAL SERVICE, MINISTER OF

This Minister made his first appearance in 1917, under the authority of the New Ministries and Secretaries Act of 1916. Until 1939 he was Minister of Labour only, but in that year he was also appointed Minister of National Service by an Order in Council. His reconstituted department took over the administration of the Factory Acts from the Home Office, the apportionment of manpower between the Services and industry, and the administration of the National Service Acts. The main responsibilities of the Minister are the employment exchanges and appointments offices, the settlement of industrial disputes, the publication of labour statistics and information, and the consideration of international labour questions. He also administers the Employment and Training Acts, 1948 and 1950, the Disabled Persons (Employment) Act, 1944, the Wages Councils Act, 1945, and other wages Acts.

This Minister is invariably in the Cabinet and his salary is £5,000 per annum. That of his Parliamentary Secretary is £2,500, and both are entitled to a further £750 if they sit in the House of Commons. A chronological list of Ministers of Labour appears as Appendix 21.

## LABOUR PARTY

The Labour Party was formed at a conference of trade unionists and Socialists held in February 1900. It was then known as the Labour Representation Committee, and it was not until 1906 that its title was changed to The Labour Party. Its immediate forerunner was the Independent Labour Party (q.v.) of Keir Hardie, who worked to persuade the trade unions to support the party instead of the Liberals. In the General Election which returned the Liberals to power in 1906 the Labour Party gained 29 seats with 50 candidates, and a new factor in politics had appeared. In spite of some successes, however, the prestige of the party declined, partly due to defective leadership and partly because many Socialists and industrial workers would not accept the limitations imposed on the party's actions by its constitution and by the demands of parliamentary democracy. The party also had a set-back in a judgment given by the Law Lords that a trade union was acting illegally in raising a compulsory levy on its members for political purposes, and if the payment of M.P.s had not been introduced in 1911 many trade union men would have had to resign from Parliament.

The Trade Unions Act of 1913 permitted the unions to raise money from their members for political purposes subject to certain conditions. At the beginning of the First World War the Labour Party was not making much headway, but most Labour M.P.s supported the Government's war policy and the coalition subsequently formed. The Independent Labour Party and five of its members in the House, including Keir Hardie, MacDonald, and Snowden, were anti-war. Ramsay MacDonald resigned from the leadership of the Parliamentary Labour Party, a position he had held since Keir Hardie's retirement from that post in 1911, and no longer took a leading part in debates. Arthur Henderson was responsible for proposals to amend the constitution of the party in order to admit individual members and to set up electoral machinery in the constituencies. Early in 1918 a conference was held at which it was agreed to continue the existing system of direct affiliation by trade unions and other national organizations, but to establish in addition constituency parties in each parliamentary area. It is the constituency party which appoints the agent, confirms the selection of individuals to fight local government elections, nominates the parliamentary candidate, and designates the delegates to the Annual Conference, the supreme authority in the party. In the 'Coupon Election' (q.v.) in 1918 at the end of the war the anti-war Labour leaders were heavily defeated, but in the 1922 election which followed the break-up of the coalition the Labour Party gained 142 seats, and under the leadership of Ramsay MacDonald became for the first time His Majesty's official Opposition. Another General Election followed a year later at which the Labour Party gained 191 seats and combined with the Liberals to form a Government under the leadership of MacDonald. After eleven months it was thrown out by the Conservatives and Liberals, but not before it had passed legislation improving the conditions of the unemployed, the old-age pensioners, and the war-disabled and launched a housing project. The following election, the third in two years, was notable for the use made of the Zinoviev letter (q.v.) by the party's opponents, and the Bolshevik bogey assisted the Conservatives to return to power with Baldwin as Prime Minister. The Labour Party lost 40 seats but increased its poll by over a million votes. This second Baldwin administration was notable from the party point of view for the issue of *Labour and the Nation*, a detailed re-statement of Labour policy, and for the General Strike of 1926. The failure of this strike did not have an unfavourable effect on the party's fortunes in the General Election of 1929, and the second Labour Government was returned with 287 seats. This Government was soon faced with the effects of a world economic depression, and in 1931 a split occurred in the party, Ramsay MacDonald, Snowden, and J. H. Thomas joining the Liberals and Conservatives to form a National Administration, while the rest of the Labour ministers and

## Labour Party

most of the Labour members formed an Opposition under Arthur Henderson. An election followed at which the number of Labour members was reduced to 52. After the death of Henderson in 1935, Lansbury led the party until his extreme pacifism conflicted with its policy, and under Attlee's leadership the party trebled its membership after the 1935 election. Following the outbreak of war in 1939, the Labour Party resisted a coalition under Chamberlain, but in 1940 accepted it under Churchill's leadership; and Attlee, Bevin, Morrison, Greenwood, and Dalton joined the Government. The 1945 General Election swept Labour into its first overwhelming victory, with a clear majority over all other parties of 146. During its five years of office the party carried out the nationalization of the coal mines, electricity and gas supply, civil aviation, railways, and the Bank of England, and retained the war controls over private business as well. All but a very few schools came under Government control and in some respects the National Insurance and Health Schemes instituted went beyond the recommendations of the Beveridge Report. In 1950 the Labour Party celebrated its jubilee—in fifty years its paying membership had grown from under 376,000 to over 5,000,000, and its income from less than £300 a year to nearly £200,000. The General Election of 1950 gave the Labour Party an unworkable majority of 6 in the House of Commons, and a year later another election was held. The party had been weakened by the resignations of Ernest Bevin and Sir Stafford Cripps, and in April 1951 Aneurin Bevan resigned from the Government as a result of his disagreement with the Budget and the rearmament programme. The 1951 election resulted in a Conservative Government with a majority of 17, although the Conservatives actually received 231,000 fewer votes than the Labour Party. Labour also lost the 1955 election by 58 seats, but their poll on this occasion was nearly one million below that of the Conservatives. They subsequently gained 2 seats in by-elections held in 1957, 1 from the Liberals and 1 from the Conservatives.

It has already been mentioned that the Annual Conference is the supreme authority in the Labour Party. It is responsible for policy, and receives reports on the activities of the preceding year from the National Executive Committee and the Parliamentary Party. The National Executive is directly elected by the conference itself, and stands in a closer relationship to it than the Parliamentary Labour Party, whose members are elected by their constituents. They attend Conference therefore only in an *ex-officio* capacity, and although they take part in discussion are not allowed to vote unless they are also there as delegates from an affiliated organization. The Leader of the Party is always an *ex-officio* member both of Conference and of the National Executive Committee, but he is actually elected by the Parliamentary Party.



## LADIES' GALLERY

The attitude of the House of Commons to the presence of women in the Chamber has varied from total exclusion to allowing them to occupy seats by the side of members on the sacred floor of the House. In the 17th century, although officially barred from the Chamber, their occasional presence was treated with some leniency, but towards the end of the 18th century they were allowed to sit anywhere in the Chamber. In the year 1778, however, during an important debate on the state of the nation, a member, noticing that the ladies were occupying seats to the exclusion of his male friends, drew attention to the presence of strangers, and an order was given to clear the galleries. There was an immediate and evidently unlady-like uproar, and it was two hours before the last of the fair sex was ejected. Afterwards, so rigorous was the ban against women that Mrs. Sheridan had to wear male attire in order to hear her husband's speeches. This state of affairs lasted for more than half a century, but eventually, as a great concession, ladies were admitted to a room above the Chamber where they were allowed to peer through an iron grating above the chandelier which lighted the old House.

After the fire of 1834, a Select Committee recommended 'that a portion of the Strangers' Gallery, not exceeding a quarter of the whole, and capable of containing 24 ladies, be set apart for their accommodation, divided by a partition from the rest of the gallery, and screened in front by an open trellis work, and that the Gallery so proposed be called the Ladies' Gallery'. This referred to the temporary Chamber in the old Court of Requests, but when the new Houses of Parliament were built a similar recommendation was carried—not without considerable opposition. In 1888 some women applauded a speech, and this resulted in the Ladies' Gallery being closed to the public until 1909. The 'trellis work' was removed in 1918, and in this year of their political emancipation women were permitted, if they preferred, to sit with the opposite sex in the Strangers' Gallery. The new Chamber of the House of Commons has no Ladies' Gallery.

## LAW LORDS

*See* LORDS OF APPEAL.

## LAW OFFICERS OF THE CROWN

The King could not appear in his own Courts in person to plead his cause where his own interests were concerned, so from very early times he used the services of an attorney, or agent, to appear on his behalf. The list of Attorneys-General begins early in the reign of Edward I and the Solicitor-General appears first in Edward IV's reign.

## Law Officers of the Crown

The Solicitor-General is a subordinate of the Attorney-General, and frequently gives a joint opinion with him on legal matters at the request of a government department. It is essential in practice that both should be in Parliament, although that opinion was by no means always held by the House of Commons, which for the first three centuries of its existence was always anxious to exclude the holders of great offices under the Crown. Indeed, in 1614 the House, jealous of the influence of the Court, appointed a committee to search for precedents for the Attorney-General being a member of the House—a hit at Sir Francis Bacon, who was both. The committee failed to find anything illegal in the position, and the House allowed Sir Francis to remain a member but recommended that 'never any Attorney-General shall serve for the future'. This rather illogical ruling remained in force until Francis North became Attorney-General in 1673, and after the Revolution it was the general practice for the Attorney-General to be a member of the House of Commons.

The law officers are not only the legal advisers and representatives of the Sovereign: they are at the service of the state where offences against the good order of the community are not left to a private prosecution, but are dealt with by the Government of the day in the person of the Director of Public Prosecutions, who is instructed by the Attorney-General. The latter would normally prosecute in criminal cases involving serious constitutional considerations, and in murder cases there is a tradition that he should always prosecute in a case of murder by poisoning. The law officers may also intervene to vindicate the rights of the public at the instance of private persons. The Government may call for their advice, and so may each department of government; they are expected to defend in the House of Commons the legality of ministerial action if it is called in question, and no appeal can be taken to the House of Lords without the authority of the Attorney-General. The law officers are not necessarily, or until recent years usually, Privy Councillors, but they receive a writ of attendance, together with the judges, to the House of Lords at the commencement of every Parliament. The Crown, or it is more true to say the Government, has its legal advisers for Scotland and for Northern Ireland: the Lord Advocate and Solicitor-General for Scotland, the Attorney-General for Northern Ireland. The Lord Advocate and the Irish law officer are Privy Councillors. The Solicitor-General for Scotland is not always in Parliament.

The law officers of the Crown play a various part. They are the legal advisers of the Crown, the Ministry, and the departments of government; they are members of the Ministry, and the Attorney-General is now occasionally in the Cabinet, but not so far any Solicitor-General. The law officers are members of the House of Commons and come and go with the change of party majorities. They are responsible

to Parliament for the advice given to the Crown and its servants; they are the chiefs of the legal profession in their respective countries, and in England and Northern Ireland represent the Bar when the Bar takes collective action. Both the law officers are now precluded from private practice during tenure of office.

The Law Officers Act, 1944, provides that functions which are required to be discharged by the Attorney-General may be discharged by the Solicitor-General if (1) the office of Attorney-General is vacant, or (2) the Attorney-General cannot act owing to absence or illness, or (3) the Attorney-General authorizes the Solicitor-General to act in a particular matter (e.g., where the former has a personal interest).

The Attorney-General's salary is £10,000, the Solicitor-General's £7,000, and the Lord Advocate's £5,000. They also draw £750 as M.P.s.

In Australia, Canada, and New Zealand the law officers are ministers, but in South Africa and the Federation of Rhodesia and Nyasaland they are government servants in the Department of Justice.

## LEADER OF THE HOUSE

According to Gladstone, the Leader of the House 'suggests, and in a great degree fixes, the course of all principal matters of business, supervises and keeps in harmony the actions of his colleagues, takes the initiative in matters of ceremonial procedure, and advises the House in every difficulty as it arises'. The details of the arrangement of Government business are settled, subject to his control, by the Chief Whip; and the Leader of the House announces the business for the following week every Thursday after Questions. Herbert Morrison, who speaks with authority as a former Leader of the House, says that the Leader should be Chairman of the Cabinet Committee on Legislation and of the committee dealing with the future legislative programme. He should also be conscious of five responsibilities: to the Government, to the Government's own supporters on the back benches, to the Opposition, to the House as a whole, and to the individual minister in charge. He should, within reason, be accessible to both sides of the House. His relations with the Government Whips should be close, cordial, and co-operative, and he must be ready to listen to them even though he is not always bound to agree with their view. He should keep in mind the duty of the Government to promote all reasonable facilities for the House to debate matters about which it is genuinely concerned, and must regard himself not only as a member of the Government but as one of the principal guardians of the rights of the House of Commons as a whole.

The title of Leader of the House as a technical term does not appear to have been thoroughly established until the middle of the 19th century. As late as 1840, Lord John Russell, who was the chief Minister

## **Leader of the Opposition**

of the Crown in the House of Commons when the Prime Minister (Lord Melbourne) was in the House of Lords, is referred to in a debate as 'the noble Lord who has to conduct, on the part of the Crown, the business of the country in this House'. In those days, when it was not uncommon for the Prime Minister to be in the House of Lords, a leading minister had to take his place in the Commons. Thus, whether the term was used or not, Lord Althorp was Leader of the House under Lord Melbourne until his succession to a peerage in 1834, and so were Castlereagh and Canning before him. If the Prime Minister is Leader of the House, as he usually was until 1942, unless he was a peer, he appointed a minister to act as Deputy Leader. Mr. Attlee as Lord Privy Seal acted in that capacity until Mr. Eden was appointed Leader in 1942. The Leader of the House of Lords performs a similar function to his opposite number in the Commons, and like him is a member of the Cabinet Legislation Committee.

## **LEADER OF THE OPPOSITION**

The Member of the House of Commons who is for the time being the Leader in that House of the party in opposition to the Government having the greatest numerical strength. Her Majesty's Opposition is Her Majesty's alternative Government, and the Leader of the Opposition is probably Her Majesty's alternative Prime Minister. The British Constitution assumes that at any moment if the Government resigns, or is defeated on a major issue, a new one can be formed from the Opposition. The Leader of the Opposition holds an office which arose, like that of the Leader of the House, out of practice but has no official functions either according to legislation or to the rules of the House. Actually his duties, which have been described as 'multifarious', include the arranging of the business programme in consultation with the Leader of the House and the Whips. According to the Ministers of the Crown Act of 1937, if any doubt arises as to which party in opposition has the greatest strength, or as to who is the Leader in the House of such a party, the question shall be decided by the Speaker.

In the British House of Commons the Leader of the Opposition received a salary of £2,000 a year under the Ministers of the Crown Act already referred to until 1957 when his salary was increased to £3,000. He is also entitled to draw £750 of his salary as a Member of Parliament. In Canada the Leader of the Opposition receives \$15,000 in addition to his sessional and expense allowances. In Australia he receives £A1,750 plus an expense allowance of £A1,000, and he is also entitled to his salary as a Member of Parliament (£A2,350). The New Zealand Parliament pays its Leader of the Opposition £1,950 plus expense and travel allowances of £705, and the Leader of the Opposition in South Africa receives £1,400 plus an allowance of £1,300.

## LEEWARD ISLANDS GENERAL LEGISLATIVE COUNCIL

The Leeward Islands Federation, established by an Act of 1871, included Antigua and Barbuda, St. Kitts-Nevis and Anguilla, Montserrat, and the British Virgin Islands (qq.v.). The Leeward Islands Act, which received the Royal Assent on 15 March 1956, abolished the federation and provided that each of the four Presidencies should become a separate Colony.

## LEGISLATION BY REFERENCE

The alteration of a law by means of references in an amending Act to previous legislation. This practice obviates the necessity of repealing an old statute and replacing it with a new one incorporating the required amendments. In spite of the extreme complexity which this method of legislation tends to introduce into the wording of a statute, it is advantageous from the point of view of time-saving and printing economy.

## LEGISLATIVE ASSEMBLY

The name given to most of the Canadian provincial and the Australian state legislatures (where the Parliament is bicameral it is applied to the lower House). The term is also used in Southern Rhodesia and Malta.

## LEGISLATIVE CHAMBER

*See* CHAMBER.

## LEGISLATIVE COUNCIL

The name usually given to the colonial legislatures of the British Commonwealth. It is also applied to the upper Houses of some bicameral legislatures, including those of the Australian States and the West Indies.

## LEGISLATIVE DRAFTING

*See* DRAFTSMEN.

## LEGISLATURE

The body of persons in a country or state invested with power to make, alter, and repeal laws. It may consist of one or two Chambers, with similar or differing powers. In the United Kingdom the legislature consists of two Chambers, the House of Commons (q.v.) and the House of Lords (q.v.); in Canada, the House of Commons and the Senate; in Australia, the House of Representatives and the Senate; in South Africa, the House of Assembly and the Senate; in India, the

## **Lenthall, William (1591-1662)**

House of the People and the Council of States, and in Ceylon, the House of Representatives and the Senate. New Zealand and the Federation of Rhodesia and Nyasaland have single-chamber legislatures—the House of Representatives and the Federal Assembly. Colonial legislatures are usually called Legislative Councils, and state and provincial legislatures Legislative Assemblies.

*See also* BICAMERAL LEGISLATURE; UNICAMERAL LEGISLATURE.

## **LENTHALL, WILLIAM (1591-1662)**

Speaker of the House of Commons from 1640 to 1655 (with the exception of two short breaks in 1647 and 1653) and from 1659 to 1660. Lenthall's fame rests upon his term of office during the Long Parliament (q.v.), and in particular upon his behaviour on the occasion of the attempted arrest of the five members by the King. This incident is dealt with in full under the heading CHARLES I AND PARLIAMENT.

Some historians have written in great praise of Lenthall whilst others have found little good to say about him. There is evidence that he was regarded unfavourably by a number of contemporary critics, but, as Dasent so aptly expresses it, 'In the case of an office like the Speaker's there can be no posthumous fame without contemporary appreciation.' The truth probably lies somewhere between the two extremes. Lenthall was neither an outstanding character nor a great Speaker, but on one occasion at least he rose to the heights of greatness both as man and Speaker, and declared for the first and for all time where a Speaker's first duty lay. Lenthall's words on this historic occasion are well-known and are repeated elsewhere in this work, but it is not inappropriate that they should appear under this heading also. On 4 January 1642 Charles I came without warning to the House of Commons to make his famous attempt to arrest five members on a charge of treason. When he turned to the Speaker to demand where they were, Lenthall fell upon his knees and delivered his memorable reply:

'May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here; and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.'

Lenthall presided over the House when the ordinance for bringing the King to trial was introduced, although he personally is believed to have opposed the measure. He continued as Speaker after the King's execution, but years later on his deathbed admitted quite frankly that he was motivated by fear of the consequences had he declined to continue in office. During the first years of the Commonwealth the Speaker was accorded precedence as the first man in the realm, but in practice his power was strictly limited. On two occasions, however,

he used his casting vote to save prominent royalists from the scaffold. On 20 April 1653 Cromwell forcibly dismissed the Long Parliament. Lenthall was ejected from the Chair, and did not become a member of the ensuing Barebones Parliament (q.v.). He was, however, summoned to the first Parliament held after Cromwell became Protector, and again elected Speaker.

Lenthall became Speaker for the last time on 7 May 1659, when he presided over the restored Long Parliament, or Rump Parliament (q.v.). He supported Monk and the Restoration, and stood as a candidate for the Convention Parliament (q.v.) but was not elected. He was pardoned by the King for his part during the Commonwealth, but he was incapacitated by the House of Lords from holding any office of trust. He died on 3 September 1662, and in a dying confession he expressed penitence for his share in the trial and execution of King Charles I.

## LIBERAL NATIONAL PARTY

See NATIONAL LIBERAL PARTY.

## LIBERAL PARTY

After Stuart days Members of Parliament tended to collect into small influence groups. But apart from their individual opinions on various problems most were either Whig or Tory. In those days, broadly speaking, the Tory sympathized with the old rule of Privilege and the Crown, and the Whig was the democrat. 'Whig' is probably a shorter form of whiggamore, and the whiggamores were a body of insurgents from the west of Scotland who marched on Edinburgh in 1648. The supporters of the Presbyterian cause in Scotland were called the real whigs, and the name was applied derisively to those Members of Parliament who wished to exclude James, Duke of York, from the throne in 1679. The Whigs were in power for the greater part of the 18th century and although the Liberals were the immediate heirs of the Whigs, they were not identified with them to as great an extent as the Conservatives were with the Tories. At the beginning of the 19th century the reforming ideas of the Spanish *liberales* and the French *libéraux* were detested by the Tories, and they applied the term 'Liberals' to the advanced section of the Whigs, who accepted it at its face value and became the Liberal Party. The agitation preceding the Reform Bill of 1832 consolidated the position of the Liberals, and although some Members of Parliament continued to use the name of Whig for twenty years after this, 1832 may fairly be regarded as the year of the birth of the Liberal Party.

Under Lord Palmerston (1846-66) the Liberals were a powerful and influential party and acted as a brake on many schemes for political reform. They were supported by the growing commercial and business

## Libraries of Parliament

interest of the times and stood for a minimum of Government interference in business and for the rights of the individual.

After Lord Palmerston, Mr. Gladstone dominated the party and they in turn dominated the political scene. As a party they became more closely knit and better organized and until 1874 they suffered no eclipse. From then until 1906 they remained a powerful and influential party and were generally supposed to be supported by a vast middle-class urban vote and by the large business interests.

1906 marked the beginning of the shrinking of the Liberals. It also marked the definite arrival of the Labour Party in Parliament some 30 strong. In parenthesis, this perhaps explains the decline of the party for it failed in the years before the First World War to attract the newly enfranchised working-classes. They tended to go either into the Conservative fold (since a great deal of Conservative legislation in the second half of the 19th century was beneficial to the working man) or to rally under Labour's flag. The party still, however, attracted great leaders; Asquith, Lloyd George, Churchill, Ramsay MacDonald, and many others were to follow, and much important legislation was to be carried out, in particular the Old Age Pensions Act and the foundations of the later Welfare State.

The party was in power in 1914 when war broke out and in 1916 was split when Lloyd George formed a coalition with the Conservatives. But in the 1918 election the party proper dropped to 34. In 1923 the coalition broke up and the Liberal Party recovered a little with 158 members, but later in 1928 they dropped to 59, to 21 in 1935, to 12 in 1945, and 6 in 1951. In the 1955 election the party retained 6 seats but lost 1 as the result of a by-election in 1957. Since the First World War the party had lost leaders to the Conservatives and had supported the growing Labour opposition, until at last paradoxically they were ousted by Labour, which emerged as the new opponent of the Conservatives and the new popular party with the electorate.

## LIBRARIES OF PARLIAMENT

*See* PARLIAMENTARY LIBRARIES.

## LIFE PEERS

The hereditary basis of the summons to Parliament of the lay lords became established in the course of centuries, and the possibility of breaking away from the hereditary principle seems not to have been seriously considered until the Wensleydale case in 1856, although a few life peerages were created between the reigns of Richard II and Henry VI, and several women received life peerages between the reigns of Charles II and George II. When, to strengthen the judicial side of the House of Lords, Sir James Parke, a distinguished judge, was created Baron Wensleydale 'for the term of his natural life', four



hundred years had elapsed since the creation of a male life peer. A new patent was made out, however, conferring a hereditary barony on Lord Wensleydale, because the Committee of Privileges of the House of Lords decided that he was not entitled to sit and vote in Parliament on the terms of his original creation.

In 1870 it was proposed to confer life peerages on men distinguished in any form of public service, and although nothing came of it the same proposal has featured in most suggestions for the reform of the House of Lords since then. The only form of life peerage granted so far has been judicial. The first 4 Lords of Appeal in Ordinary were created by statute in 1876 with the rank of barons. Their number was increased to 6 in 1913, to 7 in 1929, and to 9 in 1947. To-day there are 13 life peers in the House of Lords (4 of them having retired as Lords of Appeal in Ordinary). Life peers are entitled to a writ of summons for life, but their titles do not descend to their heirs. They hold office subject to good behaviour and are removable on an address of both Houses of Parliament.

*See also* LORDS OF APPEAL.

## LIMITATION OF DEBATE

*See* CLOSURE; GUILLOTINE; SUPPLY DAYS.

## LITTLE PARLIAMENT

*See* BAREBONES PARLIAMENT.

## LOBBY CORRESPONDENT

Lobby (or political) correspondents are a special class of parliamentary journalists who provide the background to happenings in Parliament for their papers. They are allowed direct contact with members in the Members' Lobby, and are thus enabled to present a clear picture of political trends and the political scene generally with some authority. There are only about fifty who are allowed the exclusive right of entry to the Lobby in the House of Commons, but some of their names are very well known to the public and they wield a great deal of influence in the political arena.

## LOBBYING

The practice of frequenting the lobby of a legislature for the purpose of influencing members' votes on some proposed legislation.

## LOCAL ACTS

*See* PRIVATE ACTS.

## LOCAL BILLS

*See* PRIVATE BILLS.

### **LOCAL GOVERNMENT AND PLANNING, MINISTER OF**

The Minister of Town and Country Planning became the Minister of Local Government and Planning early in 1951, but his title was again changed, when the Conservative Government came in at the end of the year, to Minister of Housing and Local Government (q.v.).

### **LONG PARLIAMENT**

The fifth and last Parliament to be summoned by Charles I. It met on 3 November 1640, and in 1642 it took up arms against the King. It is possibly the most historic assembly ever to have sat at Westminster, and it was said of it that many thought it would never have a beginning, and afterwards that it would never have an end. During its long life, which extended over twenty years, it underwent many changes. In 1648 it was purged of those members who were too favourable to the King; in 1649 it abolished both the monarchy and the House of Lords; it was expelled by Cromwell in 1653; recalled and expelled again in 1659; restored for the last time, with its excluded members later recalled, at the end of that year; and finally dissolved on 16 March 1660. It commenced its long existence as a formidable and enthusiastic assembly, bent upon drastic reform, the champion of the liberties of the people against the tyranny of the King. It sank eventually into corruption, ignominy, and discredit, having subverted the Constitution it had set out to uphold, and having lost many of its greatest members through death or exclusion.

When the Long Parliament was first summoned the House of Lords consisted of 150 peers and the House of Commons of 504 members, more than half of whom had sat in the previous Short Parliament (q.v.), which had been summoned earlier in the same year. Cromwell, Pym, Hampden, Holles, Haselrig, Strode, Fiennes, Selden, Waller, Hyde, St. John, Whitelocke, and the two Vanes were amongst the original members. William Lenthall (q.v.) was elected Speaker. The Commons immediately set about the removal of their grievances and introduced various legislation, including a Triennial Bill and measures to check the royal power of dissolution, to abolish the Star Chamber and other special courts with arbitrary jurisdiction, and to prohibit taxation without the consent of Parliament. Simultaneously they impeached Strafford, the minister who had been entrusted by the King with the administration of Ireland, and Pym conducted the indictment at the Bar of the House of Lords. Later they proceeded against Strafford by way of a Bill of Attainder. The King found himself in circumstances which compelled him to accept the measures insisted on by the Commons, including Strafford's Attainder Bill, and he reluctantly signed his minister's death-warrant. The impeachment of Archbishop Laud shortly followed that of Strafford, but he was not proceeded against

until 1644. Writing of the Long Parliament, Hallam stated that 'it usurped from the first, legislative, executive, and judicial functions'.

The party system can trace its origin to the stormy sessions of the Long Parliament, and the issue which first split the Members of the House of Commons into factions was the vital one of church reform. Measures such as the 'Root and Branch' Bill, which proposed the abolition of episcopacy, were furiously debated, and led to the formation of a constitutional Royalist party in opposition to the Puritans. Once parties had arisen over religious issues, political differences were not slow in developing. The vote on the Grand Remonstrance (q.v.) revealed a large minority of the Commons in favour of the King, but he alienated many of his supporters by his ill-advised and unconstitutional attempt to arrest five of the leading opposition members on charges of treason shortly afterwards. The Civil War was not long in following this incident and every member was forced to choose his side.

After the parliamentary victory, dissension arose between the Presbyterians, who were in the majority in the House of Commons, and the army leaders who dominated the faction known as the Independents. Their differences were both religious and political. In the first place, the Presbyterians sought to impose their system of religion upon the whole country, whilst the Independents favoured toleration for Dissenters; secondly, the Independents were the republican party, whilst the Presbyterians favoured an agreement with the King. The army eventually won the upper hand, and the Presbyterians were excluded from the House of Commons as a result of Pride's Purge (q.v.). The depleted Commons then proceeded to bring the King to trial.

After the King's execution, the remnant of the House of Commons wielded complete sovereignty and they proceeded to abolish the monarchy and the House of Lords in February, 1649. A Council of State was elected to govern, but Parliament had by no means solved all its difficulties. The country was torn with internal dissension and had become a prey to faction. Many who had deplored the abuses of Charles I's personal government had never become anti-Royalist in principle and they found themselves bitterly opposed to the new system; others with episcopalian sympathies withheld their support on religious grounds. Parliament was thus unpopular with a large section of the community, and the general feeling throughout the country was that these members who had sat for so long should depart and make way for new blood. Parliament, for its part, feared for the entire Puritan cause if the composition of a new Parliament were to be left to the free decision of the country, and therefore decided to prolong its own life. A scheme was introduced permitting sitting members to retain their seats and empowering them to exclude any new members elected to fill vacant seats if they considered them unfit. The scheme

## Long Parliament

met with emphatic opposition from Cromwell and the army who maintained that Parliament was merely attempting to perpetuate its own power. It had by this time degenerated into a corrupt and contemptible assembly, and its scandalous activities at length drove Cromwell, under pressure from the army, to take a drastic decision. On 20 April 1653, his resolve hastened by Parliament's defiance of his objections to its scheme, he proceeded with a body of soldiers to the House of Commons, where, in an impassioned speech, he bitterly reproached the members both collectively and individually for their deeds and for the lives they led, and finally dismissed them, calling in his soldiers to effect the expulsion.

But history had not heard the last of the Long Parliament. Six years later, on 23 April 1659, its remnant, which became known as the Rump Parliament (q.v.), was recalled by the army leaders. Richard Cromwell, who succeeded his father as Protector, had dissolved his one and only Parliament under pressure from the army, and at General Lambert's instigation it was decided to restore the Long Parliament, for it was held that it had never been legally dissolved. Headed by Speaker Lenthall, 42 members returned to Westminster where they were subsequently joined by others. Richard Cromwell resigned his protectorship, and the restored Parliament reiterated its intention to maintain a republican form of government but without a single person at its head. It was resolved that there should be no House of Lords and a new Council of State was appointed. But the old quarrel between Parliament and the army quickly revived. The army demanded that it should be independent of parliamentary control, but Parliament insisted that supreme military authority should be vested in itself. The latter passed a number of measures aimed at strengthening its position and reducing the power of the army, whereupon the army decided, not for the first time, to assert its authority by force. On 13 October the Long Parliament was forcibly expelled for the second time in its history. On 26 December, the army's administration having fallen into complete chaos, it was restored for the last time. It was at this time that General Monk came into prominence upon the parliamentary scene. He realized the necessity for drastic changes if the nation's welfare was to be preserved, and supported by the citizens of London he demanded that the present Parliament should dissolve itself and that new and long overdue elections should be held for a new one. Monk was enthusiastically acclaimed for his action; yet decayed and moribund though it was, the pathetic shadow of the once great Long Parliament, the restored Rump endeavoured to cling to its precarious power. Realizing the full implication of Monk's demand, it played for time. But Monk was a man of action, and a week or so later, the writs for fresh elections not having been issued within the period he had stipulated, he circumvented the Parliament by inviting

those members who had been excluded since Pride's Purge to return and take their seats. They soon found themselves in the majority, most of the republicans having abandoned the House. The way was now clear for the restoration of the monarchy, and many of the restored members spoke openly in favour thereof. A Bill was passed providing for dissolution and on 16 March 1660 the Long Parliament finally ceased to exist.

The Long Parliament spanned twenty momentous years of British history. There were no regrets at its passing although it had achieved great reforms during its early years; but for all its grave shortcomings and misdeeds the Long Parliament established beyond question, albeit unconsciously, the imperishable nature of England's ancient Constitution and the impossibility of conducting the nation's government upon any other basis.

*See also* CHARLES I AND PARLIAMENT; CHARLES II AND PARLIAMENT; COMMONWEALTH, 1658-1660; CROMWELL AND PARLIAMENT.

## LONG PARLIAMENT OF THE RESTORATION

*See* CAVALIER PARLIAMENT.

## LORD ADVOCATE

*See* LAW OFFICERS OF THE CROWN.

## LORD CHAIRMAN OF COMMITTEES

*See* CHAIRMAN OF COMMITTEES, HOUSE OF LORDS.

## LORD CHANCELLOR

The office of Lord High Chancellor of Great Britain and Keeper of the Great Seal is the most historic and dignified under the Crown. In the course of its nine centuries of existence it has attracted to itself a mass of tradition which is closely interwoven with the constitutional development of the country. The Lord Chancellor, or the Lord Keeper, as he was earlier called, has always been a splendid figure, wielding on occasions a power little inferior to that of the Crown itself. He is the highest civil subject in the land, and if he is a peer takes precedence, after the Royal Family, of all Her Majesty's subjects excepting the Archbishop of Canterbury. To slay him is accounted high treason. Though the office is now held by a lawyer of the greatest distinction, the Lord Chancellor was originally an ecclesiastic, of which Thomas à Becket and Cardinal Wolsey were famous examples. The last prelate to fill the office was John Williams, Archbishop of York from 1621 to 1625, although there had been lay Chancellors before this date, notably Sir Thomas More. With the coming of the Reformation the law finally took the place of the Church in supplying Lord Chancellors.

The Lord Chancellor is appointed by the party in power and takes

## Lord Great Chamberlain

part in the political policy of the Government of the day as a member of the Cabinet. He is not necessarily a peer, although ennoblement invariably follows his appointment, but he must not be a Roman Catholic, as he is historically the Keeper of the King's conscience and must therefore belong to the established Church. As well as presiding over the debates of the House of Lords, the Lord Chancellor is President of the highest Court of Appeal in the land and of the Chancery Division of the High Court of Justice and a Privy Councillor. As head of the judiciary he appoints all Justices of the Peace, recommends to the Sovereign the judges for the Court of Appeal, and appoints certain church livings in the gift of the Crown. As Speaker of the House of Lords the Chancellor has an unimportant part to play, his duties being confined to formal proceedings and putting the question at the termination of a debate, whether the 'contents' or the 'not-contents' have it. He does not decide points of order, the House taking upon itself that duty, but unlike the Speaker of the House of Commons he has the privilege of intervening in a debate. When he exercises this right he steps aside from the Woolsack (q.v.) and thus severs himself temporarily from his office and takes his place in the House as a peer. He is not as Speaker addressed in debate, the peer speaking beginning his address with 'My Lords'. He takes part in divisions and votes first; he has no additional casting vote and if the numbers are equal the 'not-contents' have it. The Lord Chancellor is the formal medium of communication between the Queen and Parliament, and in her absence from the Opening of Parliament it is his duty to read the Speech from the Throne, and all other messages from the Sovereign to Parliament. If Parliament is being opened by commission he informs the House of Lords, and the Commons after they have been summoned, and gives the Queen's approval to the election of their Speaker. It is also his duty to report the Royal Assent (q.v.) to Bills.

The salary of the Lord Chancellor as Speaker of the House of Lords is £4,000, and he receives £8,000 as President of the Supreme Court and of the Chancery Division.

*See also* GREAT SEAL; LORD KEEPER OF THE GREAT SEAL.

## LORD GREAT CHAMBERLAIN

The sixth Great Officer of State, who is the nominal chief authority in the Palace of Westminster (the Houses of Parliament) and exercises a complete authority when the Houses are not sitting. When the Sovereign opens Parliament in person he is responsible for the arrangements. He walks in the procession on the right hand of the Sovereign, and selects the peer who bears the Sword of State. He also has duties at the introduction of new peers into the House of Lords and at the homage of bishops after their consecration. His office should not be confused with that of the Lord Chamberlain, who is appointed by the

## Lord President of the Council

Government as chief officer of the Royal Household and whose best-known function is the licensing of plays for public performance.

### LORD KEEPER OF THE GREAT SEAL

In early times the Lord Chancellor (q.v.) was usually entrusted with the personal custody of the Great Seal (q.v.) and was called the Lord Keeper. Later on between the death of one Chancellor and the appointment of another the Great Seal, instead of remaining with the Sovereign, was entrusted to a temporary Keeper. This led to the practice of occasionally appointing a person to hold the Great Seal with the title of 'Keeper', who held it permanently in his own right and discharged all the duties belonging to it. Queen Elizabeth I appointed Sir Nicholas Bacon to this office, but objections were made to the legality of some of his acts, and to obviate these a statute was passed declaring that 'the Lord Keeper of the Great Seal shall have the same place, pre-eminence and jurisdiction as the Lord Chancellor of England'. Since then, of course, there has never been a Chancellor and a Keeper concurrently. During the 17th and 18th centuries there were various instances of the Great Seal being delivered to a 'Lord Keeper' who was sometimes raised to the dignity of 'Lord Chancellor', but since the beginning of the reign of George III the title of 'Lord Chancellor' has always been conferred in the first instance with the Great Seal. The last Lord Keeper was Sir Robert Henley, afterwards Lord Northampton, who died in 1772.

### LORD PRESIDENT OF THE COUNCIL

One of the Great Officers of State, the Lord President is in charge of the Privy Council office, for whose work he is responsible, and at the infrequent formal meetings of the Council he presents the business to the Queen and her Counsellors. However, his departmental duties are slight, and he is usually entrusted by the Prime Minister, like the other holders of non-departmental offices, with some special task. For example, after the Ministry of Information was abolished the Lord President was appointed to co-ordinate the information services and was Chairman of a Cabinet Committee on the subject, while Lord Woolton, when he was Lord President, was entrusted with co-ordinating the policy of the Ministries of Agriculture and Food. The Lord President is frequently a member of the House of Lords, and before the last war his political influence was not very great. He first emerged as a powerful senior Minister in the Churchill War Government of 1940-5.

The chief subordinate department of the Privy Council office is the Department of Scientific and Industrial Research, and the Lord President is answerable to Parliament for its activities. If he is in the House of Lords, questions on matters for which he is responsible

## Lord Privy Seal

are answered in the Commons by the Parliamentary Secretary to the Ministry of Works. The Medical Research Council, the Agricultural Research Council, and the Nature Conservancy, which are technically Committees of the Privy Council, and the Atomic Energy Department are also represented by the Lord President. In 1946, the Committee on Future Scientific Policy under Sir Alan Barlow recommended that general ministerial responsibility for civil scientific policy should rest with the Lord President, departmental ministers being responsible for the scientific work of their own departments, and that the Lord President should be assisted by an Advisory Council on Scientific Policy.

The salary of the Lord President of the Council is £5,000 per annum, and when he sits in the House of Commons he is entitled to a further £750. A chronological list of the holders of this office appears as Appendix 22.

## LORD PRIVY SEAL

The early Kings of England used their private seal when the Great Seal (q.v.) was not available, or was considered too cumbersome for everyday use, and in the reign of King John it was being affixed to letters patent. There is no doubt that in the 13th century the private seal was regarded as the particular instrument of the Royal Prerogative. Edward I used it to seal acts (and even charters) which bore no relation to the ordinary work of the Household, in spite of complaints from barons and commons. From 1275 there was a Keeper of the Privy Seal who became in 1311 a Minister of State on the same footing as the Chancellor and the Treasurer, though of somewhat lower dignity. In the 15th century the office of Keeper of the Privy Seal became detached from the Household, and the use of the Privy Seal became specially connected with financial business as a warrant for payment from the Exchequer, and for the affixing of the Great Seal to letters patent.

The use of the Privy Seal was abolished by a statute of 1884, but long before this the office of Lord Privy Seal had ceased to involve any personal action by its holder. However, the Lord Privy Seal, who may be a member of either House, can be a very useful auxiliary minister, able to give his attention to any matter of urgency which may arise. In 1932 Anthony Eden was appointed to the office and deputed to deal with League of Nations business, while Lord Waverley (then Sir John Anderson) was Lord Privy Seal in 1938-9 with the job of instituting more effective air-raid precautions. When the Labour Government was in office in 1951 the Lord Privy Seal was responsible for co-ordinating the policy of the Home Information Services, and was made answerable to Parliament on questions of major broadcasting policy.



The Lord Privy Seal is appointed by letters patent and the delivery of the Privy Seal, and his salary when a member of the Cabinet is £5,000. When he sits in the House of Commons he is entitled to a further £750. A chronological list of the holders of this office appears as Appendix 23.

## LORDS AMENDMENTS, CONSIDERATION OF

*See BILL, PASSAGE OF.*

## LORDS COMMISSIONERS

Before the opening of a new Parliament the Queen issues, by the advice of the Privy Council, a Commission conferring on the Lord Chancellor and other Lords of the Privy Council, or any three or more of them, full powers in her name (1) 'to begin and hold' the Parliament which she has ordered to be holden, (2) to 'open and declare the causes of holding the same', (3) to 'proceed upon' the arduous and urgent affairs mentioned in the writ, and (4) 'if necessary to continue, adjourn and prorogue the said Parliament'. A week before the Speech from the Throne, the Lord Chancellor and usually 4 Lords Commissioners summon the Members of the House of Commons and their Clerk and Serjeant-at-Arms to the House of Lords, where the Lord Chancellor informs them that it is Her Majesty's pleasure that they 'retire to the place where you are to sit, and there proceed to the choice of some proper person to be your speaker'. The next day the Lords Commissioners sit again to receive the new Speaker, who announces his election and is assured by the Lord Chancellor that the Queen approves him as Speaker. It has been the custom for some hundred years for the Sovereign to appoint Lords Commissioners as for the Opening of Parliament to give the Royal Assent (q.v.) to Bills, except that usually only 3 Commissioners sit instead of 5.

## LORDS, HOUSE OF

*See HOUSE OF LORDS.*

## LORDS OF APPEAL

The Law Lords, as they are often called, are persons with great legal knowledge and experience who sit in the highest Court in the United Kingdom—the House of Lords. They consist of the Lord Chancellor, ex-Lord Chancellors, peers who are, or who have been, members of the Judicial Committee of the Privy Council or judges of the superior Courts, and the Lords of Appeal in Ordinary (including those retired). These latter are appointed by the Crown under the Appellate Jurisdiction Act, 1876, and they become life-peers (q.v.), having the same rights and privileges as hereditary peers. Parliamentary rules of order are still observed when the House of Lords is sitting in

## **Lords of Appeal in Ordinary**

its judicial capacity, and the Lords of Appeal address their speech or opinion to the other Lords and not to the litigants or their counsel. Their function is not to give a judgment, but to clarify the law and to give a considered opinion regarding an appeal. The speeches of the Law Lords may contain varying opinions and conclusions, and as the proceedings are taking place in Parliament the usual method of determining the will of the House is employed—the Lord on the Woolsack ‘putting the question’ in the ancient form. The first 4 Lords of Appeal in Ordinary were appointed in 1876. Their number was increased to 6 in 1913, to 7 in 1929, and to 9 in 1947. To-day there are 14 Lords of Appeal in Ordinary in the House of Lords, one of them being an hereditary peer of first creation, and 4 of whom have retired, although in terms of their creation as life peers they are entitled to continue to sit and vote in the upper House. When the House of Lords sits in its capacity as a Court of Appeal only the active judicial peers normally take part in the proceedings. In theory, however, the entire House is deemed to be present, and any other peers are at liberty to attend should they so desire.

## **LORDS OF APPEAL IN ORDINARY**

Those Lords of Appeal (q.v.) who are appointed under the Appellate Jurisdiction Act, 1876, and who are normally life peers (q.v.).

## **LORDS OF THE ARTICLES**

*See* SCOTTISH PARLIAMENT.

## **LORDS OF THE TREASURY**

The Commissioners who since 1714 have exercised the functions of the office of Treasurer. They consist of the First Lord of the Treasury (q.v.), who nowadays is invariably the Prime Minister (q.v.), the Chancellor of the Exchequer (q.v.), and 5 junior lords who are Government Whips (q.v.) in the House of Commons.

*See also* TREASURY.

## **LORDS SPIRITUAL**

It is sometimes not realized that the 2 archbishops and the 24 bishops of the Church of England who sit in the House of Lords are as much Members of Parliament as those members elected to sit in the House of Commons. There are now many more Temporal Lords in Parliament than Spiritual, but before the suppression of the monasteries by Henry VIII in 1539, when the abbots and priors sat with the bishops, the Lords Spiritual actually exceeded the Lords Temporal in number. This was in spite of the fact that during the 14th century an increasing number obtained exemption from attendance—in 1295 Edward I sent writs of summons to 70 abbots and priors, but after Edward II's reign

the number fell to 27, which was less than one-tenth of the total number of abbots in the country. In the early period of parliamentary history these church dignitaries were supposed to sit, like the temporal lords, by virtue of tenure, but many were summoned from time to time who had not this qualification. This practice helped to provide the King with the ablest counsellors, for the ecclesiastics were the sole repositories of learning, and from their ranks the greatest officers of state were often selected. They were the possessors of enormous wealth, at least part of which was spent in the public service. In days when the proudest baron saw no cause for shame in the confession of his inability to read and write, the assistance of clerics in Council was essential. To all this must be added the fact that the bishops, abbots, and priors exercised an unbounded influence over the lower orders of society. It is not surprising, therefore, that their services were in great demand, and that, prior to the Reformation, they should have outnumbered the lay peers in the House of Lords. Even when the abbots and priors had been removed, the bishops alone formed about one-third of the House. But while the temporal lords have been multiplied since that period about fourteen-fold, the English archbishops and bishops sitting in Parliament have only been increased from 21 to 26—to whom were added, for a time, the 4 Irish bishops. The ecclesiastical element in our legislature has thus become relatively inconsiderable and subordinate. Instead of being a third of the House of Lords it now forms a thirty-third part of it. But however small their numbers, the presence of the bishops in Parliament has often provoked opposition. Repudiated by every sect of Dissenters and ejected from Parliament by the Puritans, they have had to contend against many popular opinions and prejudices. In 1834, the Commons refused leave to bring in a Bill 'for relieving the bishops of their legislative and judicial duties in the House of Peers', by a majority of two to one, and in 1826 they refused to affirm by an even greater majority 'that the attendance of the bishops in Parliament is prejudicial to the cause of religion'. After the following year, when they denied with equal emphasis the proposition that the sitting of the bishops in Parliament 'tends to alienate the affections of the people from the Church', there have been no adverse motions in Parliament in relation to the legislative functions of the bishops. In 1847, on the creation of the bishopric of Manchester, it was enacted that the number of bishops sitting in Parliament should not be increased in consequence, and a similar provision has been made in the case of bishoprics which have been created subsequently.

Although the importance of the bishops in the political arena has now become negligible, their influence was strong until comparatively recently. Few bishops can now attend debates regularly and keep up with their diocesan duties, but in 1733 Walpole's Whig Government

## Lords Temporal

was twice saved from defeat by the almost solid vote of the bishops. A hundred years later the bishops were supporting the Conservatives, principally because the Nonconformists, considered a threat to the established Church, were Liberals. The bishops are now entirely free from party allegiance, and their appointments are not made with any political considerations. The last bishop to hold ministerial office was the Bishop of Bristol, who was Lord Privy Seal in 1711. The clergy of the Church of England are disqualified from membership of the House of Commons, so that an important function of the bishops in the House of Lords is to advise on and explain Church Assembly Measures (q.v.) which have to receive the assent of Parliament.

To-day the Spiritual Lords in Parliament consist of the 2 Archbishops of Canterbury and York, the Bishops of London, Durham, and Winchester, and the 21 next in seniority irrespective of their sees.

The Bishop of Sodor and Man is not eligible for a seat in the House of Lords as he has his own legislative position in the House of Keys of the Isle of Man.

## LORDS TEMPORAL

The secular members of the House of Lords as opposed to the bishops or Lords Spiritual (q.v.). During the reigns of Richard II and Henry IV some changes were introduced in the mode of describing the assent of the Lords to an Act of Parliament. In earlier reigns the assent was usually said to be that of the prelates, dukes, earls, barons, and other magnates. In the 3rd year of Richard II they were described collectively as 'the Lords', in the 4th year as the 'Prelates and Lords', and in the 9th year the old form reappears. In the 13th year a new form was used, 'the Prelates and Lords Temporal', but in the 21st year and in the 1st and 2nd years of Henry IV the dukes, earls, etc., are again specified. In the latter year the words the 'Lords Spiritual and Temporal' are used also as being synonymous. In the 4th year of the reign of Henry IV the 'Lords Spiritual and Temporal' are mentioned for the first time in the commencing words of a statute, and although there are some exceptions, this was ever afterwards the usual form.

## LOWER CHAMBER

*See* BICAMERAL LEGISLATURE.

# M

## MACE

The Mace figures in the ceremonial of both Houses of Parliament. It is the symbol of the royal authority and, in consequence, of the authority of Parliament. In the House of Commons it further symbolizes the authority of the Speaker, for, as Lord Canning has stated, 'the authority of the Speaker and of the House are indivisible'. The Mace is also the warrant for the Serjeant-at-Arms (q.v.) to execute his authority when acting under the direction of the Speaker, as, for instance, when he is called upon to effect an arrest. Many precedents exist for this practice, and the following extract from the Journal of the House of Commons for 27 February 1575 may be cited as an example:

After sundry Reasons, Arguments, and Disputations, it is Resolved, That Edward Smalleye, Servant unto Arthure Halle Esquire, shall be brought hither Tomorrow, by the Serjeant; and so set at Liberty, by Warrant of the Mace; and not by Writ.

A certain mystical quality surrounds the Mace, due no doubt to the remoteness of its origin and the ancient traditions with which it is associated. Lord Canning has written that 'there is in the halo surrounding the Mace something also of the prerogative'. A correspondence concerning the significance of the Mace, in which Lord Canning participated, and to which those desirous of pursuing this aspect of the matter should refer, took place in *The Times* during February 1954.

The Mace is an essential part of the regalia of Parliament. Without it the House of Commons is not constituted and no proceedings may take place. When the Speaker is in the Chair, that is, when the House is sitting as a House, the Mace lies on the Table of the House, resting in the upper brackets, the orb and cross surmounting it pointing towards the Government of the day. When the Speaker leaves the Chair, that is, when the House sits as a Committee of the Whole House (q.v.), the Mace is removed into the lower brackets beneath the Table. In attending and leaving the Chamber the Speaker is preceded by the Mace, which is borne by the Serjeant-at-Arms on the right shoulder. To sum this up in the words of Hatsell, 'When the Mace lies upon the

## Mace

Table the House is a House; when under, it is a Committee; when out of the House, no business can be done; when from the Table and upon the Serjeant's shoulder, the Speaker alone manages.'

The importance with which the Mace is regarded can be well illustrated from several historical incidents. On an occasion in 1626, for instance, the House was in a state of uproar and the Serjeant-at-Arms attempted to close the sitting by removing the Mace. A member seized it from him, replaced it on the Table, and locked the door of the House. On another occasion King Charles I attempted to suspend the proceedings of Parliament by sending for the Mace. It need hardly be added that the Commons refused to relinquish it. In the middle of the last century it once happened that the House was forced to postpone its sitting because the official who held the key of the Mace cupboard was missing. More recently a member attempted to run from the Chamber with the Mace in order to prevent the passage of a measure to which he objected. Various other occasions are recorded of members wrestling with each other for possession of the Mace, some holding it down on the Table to prevent others from removing it. But perhaps the most famous occasion on which the indispensable nature of the Mace was demonstrated was on 20 April 1653, when Cromwell dismissed the Long Parliament (q.v.). Having called in his soldiers to clear the House and having had the Speaker forcibly ejected from the Chair, he ordered one of his men to remove the Mace, which he contemptuously referred to as 'this bauble'. This incident had the opposite effect to that which Cromwell intended, for instead of reducing the Mace to an object of contemptible insignificance it established even more firmly the tradition that the House could not sit without it.

The Mace is an indispensable feature of a number of parliamentary ceremonies, notably the election of a new Speaker. The election cannot take place unless the Mace is present, but in the absence of a Speaker until a new one is elected or the former re-elected, it reposes in the brackets below the Table whilst the Clerk of the House officiates. As soon as a Speaker has been elected and has taken the Chair, the Serjeant-at-Arms places the Mace in the brackets upon the Table. After his election the Speaker has still to seek the royal approval of his appointment, and during the procession to the House of Lords the Serjeant-at-Arms carries the Mace with the head resting in the crook of his left arm. On the return journey to the Commons, the royal approval having been signified, the Mace is borne shoulder-high. (*See also* **SPEAKER**, sub-heading *Election of Speaker*.) On this occasion the Mace is left at the door of the House of Lords in the charge of an attendant. Only on certain rare occasions may the Speaker enter the House of Lords preceded by the Mace, namely, in the event of an impeachment and in seeking the arraignment of and, if convicted, the judgment against the person impeached. This precedent was established by

Speaker Onslow on 23 March 1709, as the following extract from the Commons Journal illustrates:

When Mr. Speaker came to the Door of the House of Lords, to demand Judgment against Doctor Henry Sacheverell, entering in with the Mace, the Deputy Gentleman Usher of the Black Rod put his Rod across the Door, to stop Mr. Speaker, and his Mace, from going in; upon which Mr. Speaker bid him acquaint the Lords, that he insisted upon it as his Right, to go to the Bar with the Mace; And the Door being shut, after some short time the Black Rod returned, and opened the Door; and Mr. Speaker went, with the Mace on his right Hand, towards the Bar; where the Black Rod attempting to interpose between Mr. Speaker and the Serjeant with the Mace, Mr. Speaker said, 'My Lords, If you do not immediately order your Black Rod to go away, I will immediately return to the House of Commons.' Upon which, the Black Rod was directed by the Lords to go from thence; which he accordingly did; and Mr. Speaker, with the Mace, went up to the Bar.

Whenever the Speaker and other Members of the House of Commons proceed anywhere as a House, as for instance when they adjourn to the Bar of the House of Lords to hear the Royal Assent (q.v.) signified to Bills, they are preceded by the Serjeant-at-Arms bearing the Mace. If the Sovereign is present in person upon any formal occasion outside the House of Lords, as when King George VI attended Westminster Hall for the opening of the new Commons Chamber in 1950, the Mace is covered with a cloth, the symbol being unnecessary in the presence of the actual authority. If both Houses attend a state function together the House of Commons Mace is covered in the presence of the House of Lords Mace, signifying that the royal authority in Parliament is transmitted through the medium of the upper House. In the presence of the Sovereign herself both Maces would be covered. When a person or persons are brought to the Bar of the House of Commons as offenders, as witnesses, or as petitioners, they are attended at the Bar by the Serjeant-at-Arms with the Mace.

The present House of Commons Mace dates from 1660, and the following description of it is taken from Sir Bryan Fell's *Houses of Parliament* (1944):

The Mace is silver-gilt and measures 4 ft. 10½ in. in length. The shaft consists of one short and two long sections, which are chased throughout with longitudinal branches from which spring roses and thistle flowers. The head is divided into four panels containing respectively a crowned rose, a thistle, a harp, and a fleur-de-lis. The whole is surmounted by a Royal Crown with the orb and cross. On the cap are the Royal Arms with the garter supported by crowned lion and unicorn, with the motto *Dieu et mon droit* and the initials C. R. The Mace is not hall-marked and bears no inscription, date or maker's mark.

The Mace used by the House of Commons prior to 1649 was destroyed or otherwise disposed of by Cromwell with the rest of the

regalia of monarchy. In the same year a new Mace, shorn of the orb and cross and all other regal ornamentation, was made for the House by one, Thomas Maundy. This was the 'bauble' which Cromwell ordered to be removed four years later. On the restoration of the monarchy in 1660 the House of Commons ordered that another Mace should be made with the symbols of monarchy restored. Most authorities agree, however, that no new Mace was manufactured, but that the head of the existing Mace was replaced or remodelled to incorporate the Royal Crown and badges and the initials 'C.R.', and the orb and cross restored. If this is so, the present House of Commons Mace is that very same 'bauble' of Cromwell's suitably adapted at the Restoration. Others assert that the House is using a Mace which was entirely new in 1660, and a number of claims have been made regarding the possession of the Mace which was in use during the Commonwealth.

The House of Lords has two Maces, the earlier dating from the reign of Charles II and the later from the reign of William III. The reason for the two Maces arises from the fact that the Lord Chancellor is also Speaker of the House of Lords and therefore has two distinctly separate spheres of authority. To quote from Sir Bryan Fell's book again, the older Mace 'is of silver-gilt, 5 ft. 1 in. in length and bears no hall-mark. Round the head, in four panels, are a rose and portcullis, a fleur-de-lis, a thistle and a harp, severally crowned and with the initials C II R. The other Mace . . . was made by Francis Gathorne, a silversmith of London. It is also of silver-gilt, 5 ft. 1½ in. in length and is made up of pieces of more than one Mace, the foot-knop being of different work from the rest of the Mace. The head bears the initials G.R. but the G. replaces an earlier W. On the cap of the crown are the Royal Arms.'

Like the Speaker of the House of Commons, the Lord Chancellor is preceded by the Mace when attending and leaving the Chamber and on other ceremonial occasions such as the opening of the Law Courts. When the House is sitting the Mace reposes upon the Woolsack (q.v.) behind the Lord Chancellor, unless the Sovereign is present in person (e.g., when she attends the State Opening of Parliament). Unlike the House of Commons practice the position of the Mace remains unchanged when the House goes into committee. Between a dissolution and the summoning of a new Parliament the Maces of both Houses are kept at St. James's Palace.

The Maces of other Commonwealth Parliaments follow a design which is fundamentally similar to those at Westminster, although they vary in size and decorative detail, the ornamentation usually having a local significance. One Mace, however, that of the South African House of Assembly, is a replica of the House of Commons Mace. It originally belonged to the legislature of the old Cape Colony and was taken over by the central Parliament on the establishment of Union in 1910.



When Provincial Councils were set up in the four South African provinces, only Natal continued to use a Mace, retaining that which had been in service before Union. The Maces of Australia, Ceylon, and the Federation of Rhodesia and Nyasaland are gifts from the House of Commons, and were presented to the respective Parliaments at special ceremonies by House of Commons delegations sent out for the purpose. Ceylon's Mace is unusual in that its head consists of a large orb. The most curious Mace in the Commonwealth is possibly that of Fiji's Legislative Council, being in the likeness of a Fijian war club. The legislatures of British Honduras and Montserrat also use wooden Maces, and the Parliament of the Federation of Rhodesia and Nyasaland continues to preserve a locally carved wooden Mace which was in use before the presentation of a silver-gilt Mace from the House of Commons. Local considerations usually play an important part in the design of a Mace. The Mace of the Legislative Council of the Malayan Federation, for example, has a head decorated with the arms of each State in the Federation, and sealed within its base are small samples of the country's principal products (rubber, rice, tin, etc.). Amongst the oldest Maces in the Commonwealth are those belonging to the legislatures of the British West Indies (see Sir Harry Luke's *Caribbean Circuit*, 1950, Chapter 12: 'The Maces of the British West Indies'). Some Commonwealth legislatures do not use a Mace, and in one case this is due to a local tradition. The Legislative Assembly of the Canadian Province of Prince Edward Island lost its Mace during the war of 1812 when it was removed by an enemy raiding party and tradition does not permit its replacement.

The mace was originally a weapon of offence and was designed to be capable of breaking through the strongest armour. The Serjeants-at-Arms of the King's Bodyguard, established in France by Philip II and in England by Richard I, were equipped with maces for the protection of the King's person, and as the duties of these officers included the apprehension of malefactors and the summoning of persons to the royal presence, the mace came to be regarded as the symbol and warrant of the King's authority. In this manner it developed its ceremonial significance, and early in the 13th century these maces were being ornamented with jewels and precious metals. During this century civic maces began to be carried before Mayors at civic ceremonies, but the bearing of an ornamented mace was considered an infringement of the privileges of the Royal Serjeants-at-Arms, for in 1344 the House of Commons drew the King's attention to the fact by means of a petition stating that 'the King's Serjeants are alone worthy to bear maces enriched with costly insignia'. It was not long, however, before civic authorities were granted the right to carry ornamented maces, and by the 16th century they were in general use. The earliest ceremonial maces retained the aggressive shape and style

## **Mad Parliament**

of the military mace, the head or flanged end being borne uppermost whilst the Royal Arms appeared on a small button, known as a 'knop', at the base of the shaft. Gradually the blades and spikes of the war mace gave way to more ornamental appurtenances, and the end bearing the Royal Arms acquired a greater importance. This resulted in a reversal of the position in which the Mace was carried, the base thus becoming the head, and by the reign of James I mace heads were being richly decorated with heraldic devices.

It is not known when a Mace was first carried before the Speaker of the House of Commons, but the use of a Mace in Parliament probably dates from before the separation of the two Houses. It is probable that when the King first appointed a Serjeant-at-Arms to attend upon the Speaker a Mace went with him as the symbol of the authority delegated to the Speaker.

The majority of Maces in use throughout the Parliaments of the Commonwealth are of chased silver-gilt, richly decorated, and are magnificent examples of the art of the silversmith.

## **MAD PARLIAMENT**

The Parliament summoned on 11 June 1258 at Oxford was so called by supporters of Henry III, but in reality its proceedings were very businesslike. It appointed a commission of 24 who drew up a plan of reform called the Provisions of Oxford (q.v.).

## **MAGNA CARTA**

Sealed by King John at Runnymede on 15 June 1215, under pressure from the barons, the constitutional importance of Magna Carta lies not in its specific provisions but in its establishment of the principle that the King cannot override the law. As one would expect of the product of a feudal age, the Charter was in fact a statement of feudal law and custom, and it did not hold for those who drafted it the constitutional significance it acquired in later generations. It became the venerated symbol of popular liberty and was many times invoked during the following four centuries. Its provisions have given rise to many divergences of opinion, and principles have been read into it as implicit which are not specifically stated, e.g., parliamentary consent to taxation and trial by jury. The rights of the individual with regard to property and justice are, however, plainly set down.

Magna Carta had no direct bearing on the evolution of Parliament which was to assume its recognizable form later in the century. But it is the supreme example in the early Middle Ages of successful organized resistance to tyrannical rule, thus foreshadowing the constitutional developments of the future, and it was the first great milestone in the struggle for liberty which Parliament was to wage so indefatigably many years later.

(Further reading: MacKechnie, *Magna Carta*, 1905; Thompson, *Magna Carta*, 1950.)

## MAIDEN SPEECH

A member's first speech in the House. By courtesy it is not subject to interruptions, and a member wishing to make his maiden speech is given precedence over other members who rise at the same time. He generally craves the indulgence of the House, and it is the custom for the following speaker to congratulate him. According to Sir Alan Herbert, the advice given by old hands in the House of Commons is not to be in too great a hurry to make your maiden speech. He himself did not take this friendly warning to heart, and, as he says, 'roared into action' on the second day of the new Parliament and produced what Sir Winston Churchill described as 'a brazen hussy of a speech'. William Cobbett was equally precipitate, and having listened to his first debate he rose and said: 'Mr. Speaker, it appears to me that since I have been sitting here I have heard a great deal of vain and unprofitable conversation.' Some members have risen to make their maiden speech and have had to sit down again without saying a word. Joseph Addison, the essayist, nearly came into this category, but at least his failure caused a great deal of amusement. He rose, and having said: 'Mr. Speaker, I conceive,' paused, as if frightened by the sound of his own voice. He again commenced: 'I conceive, Mr. Speaker,' when he stopped, until encouraged by cries of 'Hear! Hear!' when he tried once more with 'Sir, I conceive . . .' Power of further utterance was denied, so he sat down amidst the scarcely suppressed laughter of the House, which was quite irrepressible when a member remarked to the Speaker: 'Sir, the honourable gentleman has just conceived three times and brought forth nothing.' Mr. Gladstone evidently took the elder statesman's good advice and waited several months before he caught the Speaker's eye. His caution did not do him a lot of good, however, as he was reported in the Press to have made a few remarks which were not audible in the Gallery!

## MALAYAN PARLIAMENT

The Malayan Federation, which succeeded the Malayan Union in 1948, now consists of the 9 States of the Malay Peninsula and the former British Settlements of Penang and Malacca, with Kuala Lumpur as the federal capital. At first the Legislative Council included 50 unofficial members appointed by the High Commissioner, but in 1955 the membership of the Council was increased from 76 to 99, and 52 of these were elected directly from territorial constituencies at the General Election held in July. The Federation of Malaya Agreement (Amendment) Ordinance of 1954 not only introduced representative government but also the ministerial system. As the result of the

## Malta Legislative Assembly

recommendations of a Constitutional Commission appointed in 1956 and headed by Lord Reid, new constitutional proposals were published by the British Government in June 1957 (Cmd. 210). Penang and Malacca, previously Crown Colonies, become States, and the Malayan Federation becomes the tenth fully independent member of the British Commonwealth, acknowledging the Queen as its head as is the case with India and Pakistan. The Supreme Head of the Federation will be entitled 'Yang di-Pertuan Agong', and he and the Deputy Supreme Head will be elected for five years by the Conference of Rulers of the States. He will act generally in accordance with the advice of the Cabinet, will appoint the Prime Minister, and have power to refuse a dissolution of Parliament. The new federal legislature will comprise a House of Representatives (Dewan Ra'ayat) with 100 members (all elected) and a Senate (Dewan Negara) of 38 members—22 elected by the Legislative Assemblies of the States (2 from each State) and 16 nominated by the Head of State. Members of the Senate will hold office for six years. The Senate will only be able to delay a Bill passed by the lower House for twelve months (twenty-one days in the case of a Money Bill) after which it will become law when submitted for the assent of the Head of State. On the other hand, the House of Representatives will not be able to overrule the Senate on a Bill for the amendment of the Constitution. Independence was attained on 31 August 1957 and the existing Legislative Council will continue possibly until the end of 1959, depending on when elections for the new House of Representatives can be held.

The matters over which the state legislatures will exercise control include Moslem Law, land, agriculture and forestry, local government, housing, water supplies, roads (other than federal roads), and concurrently with the Federal Government, social welfare, town and country planning, and public health. The State Legislative Assemblies will ultimately consist entirely of elected members, but for a limited period a certain number of members will be nominated, although elected members must predominate.

## MALTA LEGISLATIVE ASSEMBLY

Very soon after the annexation of Malta to the British Crown in 1814 a demand for self-government is recorded, and in 1849 the Council of Government, established in 1835, was reconstituted with 10 official members and 8 elected unofficial members. In 1887 the official members were reduced to 6 and the elected members increased to 14, but in 1903 a new Constitution was introduced which reverted to the Crown Colony type, and the official members were increased to 10 while the unofficials were reduced to 8. A new Constitution was granted in 1921 by which control of the island was divided between the legislature (a Senate and Legislative Assembly) and a Nominated Council presided

over by the Governor, who, after consultation with the Council, was empowered to make ordinances in respect of 'reserved matters'. These included defence, coinage and currency, immigration, and everything connected with the naval, military, and air forces in Malta. The Constitution also established an Executive Council composed of ministers, and a Privy Council consisting of the Executive Council and the Nominated Council for the consideration of matters not within the exclusive responsibility of the Executive Council. After this Constitution had been twice suspended in 1930 and 1933, during which time the Governor had legislative and executive authority, new letters patent provided in 1936 for a Constitution which included an Executive Council composed of 5 *ex-officio* members and not less than 3 members appointed by the Governor. In 1939 Malta was granted yet another Constitution (known as the 'MacDonald Constitution' after the Colonial Secretary at the time) which provided for an Executive Council of 5 *ex-officio* members appointed and presided over by the Governor and a Council of Government of 8 official, 10 elected, and 2 unofficial members nominated by the Governor. Responsible government was restored to Malta by the 1947 Constitution, which is still in force and is essentially the same as that of 1921, except that it does not include a Senate.

The Legislative Assembly has 40 members elected from 8 electoral divisions on the proportional representation system. Procedure in the House is practically the same as in the House of Commons, except that there is no Committee of Ways and Means, and Money Bills are not certified as such by Mr. Speaker. The issue from the Consolidated Revenue Fund of money voted in the Committee of Supply is therefore authorized by the House, which also assumes the other function of the Committee of Ways and Means, the imposition, repeal, etc., of taxation. Sittings are held in the historic Tapestry Chamber in what was once the Palace of the Knights of St. John of Jerusalem, Valletta, and is now the Governor's Palace. Offices and amenities for members are also provided in the palace. Negotiations are in progress with the British Government at the time of writing on the subject of including Malta as part of the United Kingdom.

## MANITOBA PARLIAMENT

The Act of the Canadian Parliament of 1870 creating the Province of Manitoba made provision for the appointment of a Lieutenant-Governor and the establishment of a bicameral legislature—a Legislative Council appointed by the Lieutenant-Governor in Council and an elected Legislative Assembly. The first Parliament met on 15 March 1871, but in 1876 the Legislative Council was abolished, and since then the legislature has been unicameral. There are 57 members elected for five years by the system of the transferable vote, except for the 12

## Manner of Holding Parliaments in England

seats in Winnipeg and 2 in St. Boniface, where another form of proportional representation has been adopted. The Province is represented by 6 members in the Canadian Senate and 14 in the House of Commons at Ottawa. Manitoba's magnificent Legislative Building, formally opened in 1920, is of classic design, with a central tower and dome rising to a height of 180 feet above the main roof level.

## MANNER OF HOLDING PARLIAMENTS IN ENGLAND

*See* ELSYNGE, HENRY; HAKEWILL, WILLIAM; MODUS TENENDI PARLIAMENTUM.

## MANX PARLIAMENT

The Parliament of the Isle of Man, the Tynwald Court, is of Norse origin and one of the oldest legislatures in the world. The sovereignty of the isle was for many centuries vested in grantees of the Crown who were called 'Lords of Man and the Isles', but the sovereignty was purchased by George III in 1765 for £70,000. The island still enjoys a semi-autonomous Constitution, the supreme legislative authority being vested in the Crown, the Governor, the Legislative Council, and the House of Keys, which together form the Tynwald Court. The Governor is appointed by the Crown on the advice of the Home Secretary, who is the intermediary between the Manx and the British Parliaments. The Council consists of the Governor, the 2 Deemsters (judges), the Bishop of Sodor and Man, the Attorney-General, 2 members appointed by the Governor, and 4 members elected by the House of Keys. The latter is the lower House, and was formerly chosen by the Lords of Man, but since 1866 the 24 members have been elected by ballot. They receive a salary of £150 a year for expenses. All men and women over twenty-one have a vote, and the Isle of Man led the world by granting the franchise to unmarried women and widows in 1881, some years before the cry of 'votes for women' was heard in England. The island is administered in accordance with its own laws by the Tynwald Court and it is not bound by Acts of the British Parliament unless specially mentioned in them. An Executive Council to assist the Governor in framing legislation, particularly financial, was set up in 1946, and consists of 5 members of the House of Keys and 2 of the Legislative Council.

In 1869 the seat of Government was transferred from Castletown to Douglas and housed in its present building. The Keys debate in their own chamber, but they sit with the Council in the Tynwald Chamber for a Tynwald Court. In this room there is a 'Floor' occupied by the Keys under their Speaker, and a 'Gallery' for the members of the Council, presided over by the Governor. The Speaker's seat in this Chamber is directly below that of the Governor, who presides over the Court, in the gallery above. In the Tynwald the Speaker of

the House of Keys, whose title dates from the end of the 18th century, may speak as an ordinary member of the Court as well as represent to the Council the views of the Keys. In case of disagreement between the two Houses, any member of the Keys may move 'that the Keys retire to their own Chamber'. The Tynwald Court sits to transact executive business and to sign Bills, which before they become law require the signatures of the Governor, 2 members of the Council, and 13 members of the Keys. Bills are then sent to the Queen for the Royal Assent, and then must be promulgated in English and Manx from Tynwald Hill at the annual open-air ceremony on 5 July. The constituencies in the Isle of Man are the six 'sheadings', or local sub-divisions, and the four municipalities of Douglas, Castletown, Peel, and Ramsay. The electorate numbers about 44,000.

## MARQUESS

This title has the next place of honour to that of a duke. Blackstone says that the office of a marquess (German *Markgrave*) was formerly to guard the frontier and limits of the kingdom, which were called marches, but it is doubtful if these soldier lords were the original marquesses of the English peerage. The first English marquessate was conferred by Richard II upon Robert de Vere, who was created Marquess of Dublin in 1385. The creations were not very numerous, however, and it would appear that the new honour was not greatly coveted by the old nobility. When John de Beaufort was deprived of his marquessate by Henry VI the Commons petitioned the King to restore it to him. The marquess opposed the petition, saying that 'it was a new dignity altogether unknown to his ancestors, and that, therefore, he neither craved it, nor in any wise would he accept it'. In spite of this the title from 1475 was constantly in existence in the peerage until the reign of Edward VI; thenceforward it became a regular and common grade of nobility. A marquess is created by letters patent under the Great Seal, and takes the style of 'Most Honourable'. He is officially addressed by the Crown as 'Our right trusty and entirely beloved Cousin'. The mantle of a marquess is the same as a baron's, but has three rows and a half of ermine on the cape. The coronet is a circle of silver gilt, surmounted by four gold strawberry leaves and four silver balls, alternately, the latter a little raised on points above the rim. There are at present (1957) 27 Marquesses.

## MARY I (1516-1558)

Daughter of Henry VIII and Catherine of Aragon and half-sister to Edward VI, succeeded to the throne after an unsuccessful attempt on the part of the Duke of Northumberland to cause her to be disinherited in favour of his daughter-in-law, Lady Jane Dudley. Edward VI died on 6 July 1553, and on the 10th the Privy Council proclaimed

## Materials, Minister of

Lady Jane Queen. Mary then proceeded to Framlingham Castle in Norfolk and was herself proclaimed Queen at Norwich on the 13th. Supporters soon began to rally to her cause and on the 19th she was proclaimed in London. Her coronation took place on 1 October. Mary I was the first Queen Regnant in England's history, and in 1554 a Royal Marriage Act removing the difficulties which stood in the way of the accession of a female Sovereign was passed by Parliament (q.v.).

## MATERIALS, MINISTER OF

The Ministry of Materials Act, 1951, created a department to deal with the problems of obtaining raw materials and supervising their distribution in view of the rearmament programme. The Ministry took over certain functions of the Ministry of Supply and the Board of Trade, and Richard Stokes was appointed its first head while retaining his office of Lord Privy Seal (q.v.). In the Conservative Government which came into office later in 1951 Lord Swinton was appointed Chancellor of the Duchy of Lancaster (q.v.) and Minister of Materials. He was succeeded as Minister of Materials by Sir James (afterwards Lord) Salter and subsequently by Lord Woolton, who combined the office with that of Chancellor of the Duchy of Lancaster. Lord Woolton remained the Minister until his ministry was dissolved and its remaining functions transferred to the Board of Trade in July 1954.

## MAURITIUS LEGISLATIVE COUNCIL

The Legislative Council under the Constitution of 19 December 1947 consisted of the Governor as President (with reserved powers), 3 *ex-officio* members, 12 nominated and 19 elected members. The Governor was assisted by an Executive Council of the 3 *ex-officio* members (the Colonial Secretary, the Procureur and Advocate-General, and the Financial Secretary), a minimum of 4 members appointed by the Governor but chosen by the Legislative Council from among their own members, and 2 members nominated by the Governor. At the first sitting the Council elected a Vice-President from among its members to preside in the absence of the Governor. In 1951 the Governor first appointed 'liaison officers' from among the unofficial members on the Executive Council whose duty it was to keep in touch with government departments and thus obtain a fuller knowledge of policy which would help them to take a share in forming it. This was seen as a prelude to the appointment of ministers in Mauritius, envisaged in the constitutional changes outlined by the Colonial Secretary in the House of Commons on 13 March 1956. These included an increase in the elected majority in the Executive Council and the introduction of a ministerial system; the appointment of a Speaker



from outside the Colony (this took place in November 1956), and an increase, to take place in 1958, in the number of elected members of the Legislative Council from 19 to 25. The elections held then will be on a new universal adult franchise, and the literacy qualification will be abolished. Voting will be by a system of proportional representation with a single transferable vote and will take the place of the block vote system and more accurately reflect the views of the people. A conference was held in London in February and March 1957, between delegates from Mauritius and the Colonial Office. It reached agreement on the main proposals except on the suggested method of electing members of the Legislative Council. A commission was therefore appointed to investigate the possibility of majority voting in single-member constituencies.

#### MAY, SIR THOMAS ERSKINE (1st BARON FARNBOROUGH)

Clerk of the House of Commons from 1871 to 1886, and author of the standard work on parliamentary practice, *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*. The first edition was published in 1844, and the latest edition, the 16th, was edited by Sir E. Fellowes and L. G. B. Cocks. The work is used in all Commonwealth Parliaments and is the acknowledged text-book on the subject.

Prior to becoming Clerk of the House, Erskine May was assistant librarian of the House of Commons in 1831 and examiner of petitions for Private Bills and taxing-master for both Houses of Parliament from 1847 to 1856. From 1866 to 1884 he was president of the Statute Law Revision Committee. Erskine May became a barrister of the Middle Temple in 1838, was made a Knight Commander of the Bath in 1866, a Privy Councillor in 1885, and created Baron Farnborough in 1886. His other works include a *Constitutional History of England*, first published in 1861, and he also compiled an index to the Journals of the House of Commons from 1547 to the death of Queen Anne.

#### MEASURES

See CHURCH ASSEMBLY MEASURES.

#### MEMBER OF PARLIAMENT

A member of a legislature may be elected, nominated, or sit by hereditary right as in the House of Lords. Edmund Burke, in his well-known address to the electors of Bristol in 1774, declared that a Member of the House of Commons was not just the delegate of his constituents, but that when he was elected he became a representative of the whole nation, and must vote in agreement with what he or his party considered to be the best interests of the country as a whole. This does not mean that a member must neglect his constituents' personal difficulties or their local affairs, indeed a large proportion of

## Member of Parliament

time not spent in the Chamber is devoted to them, but in regard to the nation's affairs he is, as Burke told his electors, 'not a Member of Bristol, but he is a Member of Parliament'. In the early days of parliamentary history, when the functions of the Commons were mainly to present petitions for the redress of grievances and to grant taxes, members were definitely sent to Parliament as delegates from local authorities. They received wages from their constituents and were required to live in their constituencies. Andrew Marvell, the poet, was the last person known to have been paid such a regular wage as a Member of Parliament. He was returned as Member for Hull from 1660 to 1678 by the Mayor and Aldermen, and wrote regularly to them asking for instructions and sending news of happenings in Parliament. Burke's speech put instructions from a constituency out of favour, and after the 1832 Reform Act came into operation, larger and more popular constituencies rendered precise instructions impracticable. The Redistribution Act of 1885 strengthened the view that a member represents the whole country, which is divided into electoral districts merely for the convenience of election. Most members enter Parliament as supporters of one of the major political parties, and the electors know that in national affairs their member will act in accordance with his party's policy. If he changes his party he is not compelled to resign his seat, but he may decide to resign and offer himself for re-election in order to find out whether his action meets with the approval of the majority of his constituents. An M.P. will deal with local matters concerning his constituency by writing to the minister concerned or addressing a question to him in the House, or he may raise a local question on an adjournment debate. The only occasion on which a member is expected to dwell on the progress of his own constituency and the sterling qualities of its inhabitants (it is important to remember that he represents the minority who did not vote for him as well as the majority who did) is if he is chosen to move or second the debate on the address (q.v.).

Apart from national and local representation, an M.P. may also represent some particular interest or section of the community, such as the textile industry or the coal miners. Members obviously draw on their own experience in considering proposed legislation, and it is only natural that they should see that the interests of the professional, industrial, or economic group to which they belong are taken into account.

The life of a Member of Parliament is one of very strenuous activity. The late Lord Snell wrote in his *Daily Life in Parliament*, 'As a result of seven years' experience, I am convinced that the average M.P. works at greater pressure and for longer hours than nine-tenths of those who elected him, and that if the factory worker, miner, or engineer had the same strain put upon him, he would down tools

## Memorial

within a month and demand better conditions of work.' As well as listening to debates in the House—and waiting for a chance to 'get in' himself—he may have to serve on Standing or Select Committees, attend party and other meetings, and meet constituents and conduct parties of them round the parliamentary buildings. He is faced with a formidable pile of letters every day, mostly from constituents needing help or advice, and there is no free secretarial service provided. His week-ends are occupied with meetings and social engagements in his constituency, where he is expected to open fêtes and flower-shows and attend the functions of local organizations and charities, to which he is also expected to subscribe. Parliamentary duties and obligations can make considerable financial demands upon a member, but it was not until 1911 that British M.P.s were paid a salary by the state. It started at £400 a year, but was increased to £600 in 1937 and to £1,000 in 1946 with a £2 a day sessional allowance added in 1954. In 1957 this allowance was abolished and an annual allowance of £750 substituted in its place. This represented a financial improvement of nearly £500 a year. They also enjoy free rail, sea, or air travel between their constituencies and homes and Westminster. (Salaries of Members of other Commonwealth Parliaments will be found in Appendix 2.) A member may also receive financial assistance from bodies outside Parliament, such as trade unions. Whether these payments involved a breach of privilege was discussed by the House of Commons Committee of Privileges in 1947, and they reported that it did not, provided that a member's complete independence was not fettered by his undertaking to press some particular point of view on behalf of an outside interest, whether for reward or not. The Report was agreed to by the House on 15 July 1947, when it was emphasized that the duty of a member was to his constituents and the country as a whole, rather than to any particular section thereof.

*See also* ABSENCE, LEAVE OF; DISQUALIFICATION FROM MEMBERSHIP; INDEPENDENT MEMBER; INTRODUCTION OF A MEMBER; PAYMENT OF MEMBERS; PRIVILEGE.

## MEMBERS' SALARIES

*See* PAYMENT OF MEMBERS; APPENDIX 2 for Members' Salaries in the Parliaments of the Commonwealth.

## MEMORIAL

A form of petition usually associated with a Private Bill (q.v.). Any person may send in a memorial to the examiners of a Private Bill, complaining that Standing Orders have not been complied with by the promoters of the Bill. Such a person is entitled to appear at the examination in person or be represented by a parliamentary agent (q.v.) and produce witnesses. Memorials are, however, becoming

## **Merciless Parliament**

increasingly rare, and proceedings before the examiners usually consist of the handing in of affidavits by the promoters' agents, and personal evidence as to other facts by those responsible for the preparation of Bills and notices.

## **MERCILESS PARLIAMENT**

The Parliament summoned in the 11th year of Richard II's reign, and which met on 3 February 1388, was so called because of the bitter reprisals it took against members of the Court party, who had supported the King in his attempt to regain control of the government. A number of them were condemned to death on such flimsy charges that the sentences amounted to judicial murder. 'The Parliament that wrought wonders' was the title bestowed on it by those who approved of its activities.

## **MESSAGE**

*See CROWN AND PARLIAMENT.*

## **MINISTERIAL STATEMENT**

Statements by ministers regarding the Government's domestic or foreign policy and announcements on public business arrangements or legislative proposals are usually elicited by arrangement in reply to a Private Notice Question. But the older practice under which these explanations were volunteered in the House of Commons by the minister concerned is often followed. Notice of such statements has to be given to the Speaker, but the leave of the House is not required, and they are made before the commencement of Public Business.

## **MINISTER OF STATE**

This Minister usually comes between a full minister and a Parliamentary Secretary in status, and according to the Re-election of Ministers Act, 1919, by which he is appointed, if he is a Privy Councillor he is also a Minister of the Crown (q.v.). He is generally appointed to relieve a minister of some part of his work which has suddenly increased, or with which for some reason he is not able to cope, and which could not be undertaken by a Parliamentary Secretary. A Minister of State is subordinate to a minister in charge of a department, the latter being responsible to Parliament for any action he may take. Lord Beaverbrook was the first Minister of State in 1941, but he was a full minister and a member of the War Cabinet, as was Mr. Lyttelton when he was Minister of State, Resident Middle East, from 1941-2. The first Minister of State at the Foreign Office (Richard Law) was appointed during the last war, and the post was continued by the subsequent Labour Government, which added Ministers of State to the Treasury and the Colonial Office. The Conservative Government in

1951 also filled these posts, and appointed a peer as Minister of State for Scotland, but dropped the Treasury's Minister of State for Economic Affairs in 1952. A Minister of State was appointed to the Board of Trade and another to the Foreign Office in 1953 and in 1957 the Financial and Economic Secretaries to the Treasury were raised to the status of Ministers of State. The salary of a Minister of State is £3,750 a year plus an additional £750 if he sits in the House of Commons.

## MINISTER OF THE CROWN

The holder of one of the chief political offices of Her Majesty's Government in the United Kingdom or of her governments overseas. The majority of ministers are in charge of specified departments of state, although a few, notably the Prime Minister (q.v.), unless he also takes upon himself the responsibility for a specific department, have no, or very slight, departmental duties. Ministers falling into this category, who include the Lord President of the Council (q.v.), the Lord Privy Seal (q.v.), the Chancellor of the Duchy of Lancaster (q.v.), and the Paymaster-General (q.v.), are therefore available for special duties or able to devote their time exclusively to the business of the Cabinet (q.v.). Occasionally, and more particularly outside the United Kingdom, two or more offices may be combined in one individual. In other Commonwealth countries it is a general practice to give more than one portfolio to certain ministers.

Ministers are chosen by the Prime Minister and appointed by the Crown on his advice. They may or may not be members of the Cabinet, the selection of Cabinet Ministers also resting with the Prime Minister. Whether inside or outside the Cabinet, every departmental minister is fully responsible for the work of his department and of any sub-departments falling within his jurisdiction. Although he may (and, of course, is compelled to) delegate authority to his Parliamentary Secretary (q.v.) and his permanent officials, he remains responsible for all decisions taken by them. The minister's task is to relate the policy of his department to that of the Government and to serve as the link between his department and Parliament. He receives guidance on the affairs of his department from his expert advisers, the permanent officials, but it is a weak minister who will rely on his experts to such an extent as to be led by them. The function of a minister is not to follow a lead but to give one. His task is therefore to assess the advice of his experts and to use his own judgment in taking decisions, if necessary in the face of conflicting views. Whilst it is no light matter to disregard the advice of permanent officials, based as it is bound to be on long experience and deep consideration of the problems in hand, a minister is under no obligation to his subordinates to accept their advice or to refrain from seeking the views of persons outside his own department. The most valuable attribute with which a minister

can hope to be endowed is an ability to grasp essentials and to arrive at sound judgments. The majority of daily administrative decisions are obviously taken within the department itself, so that the minister must rely upon the permanent officials to bring to his attention any matters involving policy or of sufficient importance to warrant a ministerial decision.

When one appreciates the true function of a minister it becomes apparent that an expert knowledge of the affairs of the department he controls is not an essential qualification. A country could no doubt be governed with considerable efficiency by its Civil Service alone, but without a political chief at the head of each department there could be no co-ordination of policy, no contact with public opinion, no independent minds to resolve disputes within and between departments and to foresee consequences which are unavoidably beyond the vision of the relatively narrow departmental sphere. To borrow the words of Sir William Harcourt, 'The value of political heads of departments is to tell the permanent officials what the public will not stand.' It is only fair, however, to add Sir W. Ivor Jennings's observation 'that there are occasions when the permanent officials have to tell the politicians what the public will not stand'.

Parliamentary experience ranks high in importance as a ministerial qualification, although it is not always possible to take this into account when appointing ministers. Nevertheless, a minister who has served previously as a Parliamentary Secretary or Parliamentary Private Secretary (q.v.) has a valuable training behind him. Varied experience also has its advantages and the ministerial reshuffles which periodically take place are not without their merits from this point of view. There is therefore little justification in the criticism which is commonly levelled at the ministerial system on the ground that a political head of a department seldom stays in any one office long enough to become intimately acquainted with the affairs of that department. At the same time, only through a long period of tenure of a single office can any minister hope to leave his personal impression upon a government department.

In the United Kingdom the great majority of ministers receive salaries of £5,000 per annum. The Ministers of the Crown Act, 1937, provided that this salary should be paid to all ministers in the Cabinet, with the exception of the Prime Minister and Lord Chancellor, and most of the ministers outside the Cabinet are entitled to the same salary. In 1957 increases in the emoluments of Members of Parliament including Ministers were announced in the House of Commons. All senior Ministers, except those sitting in the House of Lords, may now draw £750 of their parliamentary salaries in addition to their ministerial salaries. Salaries of all Parliamentary Secretaries were increased from £1,500 to £2,500 and those in the House of Commons may also draw

the extra £750. No Ministers in the House of Lords, senior or junior, may draw the three guineas a day attendance allowance introduced for peers. Since 1906 no member of the Government has been permitted to hold a directorship. There is also a general ban on the writing of political articles by ministers for the Press.

At one time, a Member of the House of Commons appointed to ministerial office was compelled to submit himself for re-election, but the practice was abolished by the Re-election of Ministers Act, 1926, having first been modified by the Re-election of Ministers Act, 1919.

The allocation of ministers between the two Houses of Parliament is controlled by the Ministers of the Crown Act, 1937, and subsequent Acts creating new ministries. No minister is debarred from sitting in either House by reason of the office he holds. In theory a Member of the House of Commons could be appointed Lord Chancellor, but in practice the holder of this office is always a peer. Similarly there is no legal prohibition upon the Prime Minister sitting in the House of Lords, as many past Prime Ministers have done, but modern convention requires the Prime Minister and the majority of his colleagues to be Members of the House of Commons. The legislation referred to above, however, makes provision for the representation of the Government in the House of Lords by restricting the number of ministers who may sit in the lower House. The effect of the restriction is to ensure that at least 3 senior members of the Government in addition to the Lord Chancellor shall be peers and not more than 24 junior ministers (i.e., Parliamentary Secretaries and Parliamentary Under-Secretaries of State) shall be Members of the House of Commons. (For specific ministerial offices see under those headings.)

*See also* MINISTER OF STATE; SECRETARIES OF STATE.

## MINISTERS' SALARIES

*See* APPENDIX 2.

## MINISTER WITHOUT PORTFOLIO

A Minister without a department, who is usually appointed by the Prime Minister to do some special work which the ministers with departments are not in a position to undertake. For example Mr. (now Sir) Anthony Eden was appointed a Minister Without Portfolio in 1935 to take charge of League of Nations affairs. A Minister Without Portfolio is not a Minister of the Crown (q.v.) unless he is a Privy Councillor.

## MINISTRY

Usually the word 'ministry' is applied to a government department for which a Minister is responsible to Parliament, but it can also mean the Government of the day as a whole. It is not used in this sense now

## ***Mirror of Parliament, The***

as much as it was in the 19th century, when writers referred to Governments led by particular Prime Ministers as the Aberdeen Ministry or the second Derby Ministry, etc.

## **MIRROR OF PARLIAMENT, THE**

A record of parliamentary debates, started in 1828 by John Henry Barrow, which during its lifetime was a keen rival to Hansard (q.v.). For a time it employed Charles Dickens as one of its reporters. *The Mirror of Parliament* ceased publication in 1841 owing to financial difficulty.

## **MODEL CLAUSES COMMITTEE**

This committee was appointed in 1948 to revise and redraft model clauses for use in private legislation. It is presided over by the Speaker's Counsel (q.v.) and consists of the Counsel to the Lord Chairman together with representatives of parliamentary agents (q.v.) and government departments. A volume of model clauses has been issued, which is revised by the committee at each session of Parliament, and this is of great assistance to the promoters of Private Bills (q.v.).

## **MODEL PARLIAMENT**

The Parliament summoned on 13 November 1295 by Edward I, and afterwards so called because it settled the general type of Parliament for the future. It was the first fully representative assembly, particularly notable for the fact that 2 knights from each shire, 2 citizens from each city, and 2 burgesses from each borough (all elected) were summoned, together with representatives of the lower clergy, to sit with the bishops, earls, and barons in the council of the realm. The King called this Parliament because he was in need of money and, as its composition indicates, he enlisted the aid of all classes of society instead of turning only to the nobles for assistance.

The details of the constitution of the Model Parliament are as follows: the 2 archbishops and all the bishops, 67 abbots, 8 earls, 41 barons, the Masters of the Temple and of Sempringham, the prior of the Hospital of St. John of Jerusalem, the prior and archdeacons of the dioceses of Canterbury and York, 1 proctor from the chapter of each cathedral, 2 proctors from the parochial clergy of each diocese, and the representatives of the shires, cities, and boroughs referred to above.

## **MODUS TENENDI PARLIAMENTUM**

A document of the 14th century, this is the earliest existing account of the constitution of Parliament in the Middle Ages. It is not generally regarded as a reliable authority. Sir Courtenay Ilbert described it as 'too fanciful to be trustworthy', and William Stubbs acknowledged that



it is frequently misleading, although he added, 'it may be accepted as a theoretical view for which the writer was anxious to find a warrant in immemorial antiquity'. A. F. Pollard did not, however, share the prevailing view regarding its unreliability (see *The Evolution of Parliament*, 2nd ed., p. 68). He agreed that it does not give a valid account of the method of holding Parliaments in Anglo-Saxon times, but believed it to be of some value as a contemporary record. He pointed out that it seemed to be regarded as authoritative in the 15th century, as a revised version was sent over to Ireland in 1418 as a guide to the holding of Parliaments in Dublin.

Its composition has been assigned to the early years of the reign of Edward III, mainly because it makes no mention of dukes, marquesses, and viscounts, but only earls and barons. At least three extant manuscripts date from the 14th century. An edition was published in 1846 by Sir Thomas Duffus Hardy, and excerpts (in the original Latin) are included in the 9th edition of Stubbs's *Select Charters*.

## MONEY BILLS

As distinct from the statutory definition which is given below, a Money Bill is taken to mean a Public Bill whose main object is to authorize expenditure or to impose taxation. The Standing Orders relating to financial business in the House of Commons require that any such Bill be founded on a resolution of a Committee of the Whole House (q.v.), but an exception was made in 1938 when a new Standing Order provided that Money Bills, other than those which are required to originate in Committee of Ways and Means, may be presented or brought in on an order of the House by a Minister of the Crown, and the charge shall not require to be authorized by a Committee of the Whole House until the Bill has passed its second reading.

A Money Bill is defined in the Parliament Act, 1911, as 'A Public Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them'. In this definition the expressions 'taxation', 'public money', and 'loan' respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes. Money Bills, as defined in the Act, must be endorsed as such by the Speaker before they are sent to the House of Lords. The Lords are not entitled to initiate or amend a Money Bill, and although they may constitutionally

## Money Resolution

reject such a Bill *in toto* the effect of so doing would be inoperative as, the Act provides that a Money Bill may receive the Royal Assent notwithstanding the consent of the Lords having been withheld. Under the Act, a Bill containing provisions other than those defined is not a Money Bill unless they are subordinate matters incidental to the financial provisions.

At a first glance the shades of difference between the statutory definition of a Money Bill and the meaning of the term as generally understood will probably not be apparent. To a very great extent their meanings overlap, but one important difference lies in the fact that the former stipulates that the *sole* object of the Bill must be financial, whereas with the latter usage it is understood that the *main* object is financial, although a Bill whose *sole* object is financial could equally well be embraced by the second meaning as by the first. On the other hand, financial Bills which do not impose charges on the people, and which would not be required to originate in a Committee of the Whole House, have been certified as Money Bills as required by the Act, although they would not normally be referred to as such. The differences may seem slight but they are very important in practice, because a Bill which has not been endorsed as a Money Bill in terms of the Parliament Act can be delayed for a year if the House of Lords withholds its consent, whereas a certified Money Bill can only be held up for a month. Thus the annual Finance Bill (q.v.) which embodies the year's financial proposals is frequently not a Money Bill as defined by the Act because it often contains provisions other than those stated in the Act. It will be realized that the responsibility of the Speaker in deciding whether or not to endorse a Bill as a Money Bill is a very great one. He consults (to quote the Act) 'if practicable, two members to be appointed from the Chairmen's Panel at the beginning of each Session by the Committee of Selection'.

A Bill containing a clause or clauses imposing a charge which is incidental to the main proposals is not a Money Bill and does not require to be founded on a resolution of a Committee of the Whole House. The financial clause or clauses, however, require authorization by a Committee of the Whole House before they can be considered by the committee on the Bill. Such clauses are printed in the Bill in italics. If similar provisions are contained in Bills which are sent down from the Lords they are omitted when the Bill is before the upper House to avoid any infringement of the financial privileges of the Commons. When the Bill comes before the Commons the relevant clauses are inserted, underlined, and enclosed in square brackets, and are thus initiated in the lower instead of the upper House.

## MONEY RESOLUTION

See FINANCIAL RESOLUTION.

## MONK RESOLUTIONS

The resolutions by which parliamentary approval is given to the passing of a virement (q.v.) in the votes of the armed services, so called because they were first moved in 1879 by a member named Charles James Monk.

*See also* ESTIMATES.

## MONTserrat LEGISLATIVE COUNCIL

Now a separate Colony and a member of the West Indies Federation, Montserrat belonged to the Leeward Islands Federation until its abolition in 1956. The Legislative Council consists of the Commissioner as President, 2 *ex-officio*, 2 nominated, and 5 elected members. The Executive Council has, besides the Commissioner, 2 *ex-officio* members, 2 of the Legislative Council's elected members, and 1 of the nominated members.

## MORE, SIR THOMAS (1478-1535)

Speaker of the House of Commons for four months during the year 1523 and Lord Chancellor of England from 1529 to 1532.

More was elected Speaker on the recommendation of Wolsey in April 1523, and his short tenure of office was distinguished by a conscientious regard for his duties as guardian of the privileges of the House of Commons. He was the first Speaker to crave the King's indulgence for any words which might be spoken by individual members during the course of debate. In his speech following his election as Speaker he besought the King 'to give to all your Commons here assembled your most gracious licence and pardon freely, without doubt of your dreadful displeasure, every man to discharge his conscience, and boldly in everything incident among, declare his advice, and whatsoever happeneth any man to say, it may like your noble Majesty of your inestimable goodness to take all in good part, interpreting every man's words, how uncunningly soever they may be couched, to proceed yet of a good zeal towards the profit of your Realm and honour of your Royal person. . . .' A few days after his appointment as Speaker, More was called upon to defend the rights of the Commons. The Lord Chancellor, Wolsey, made what Dasent describes as a wholly unconstitutional irruption into the Chamber to demand a grant of £800,000 (in those days an enormous sum) for the prosecution of the war with France. Appalled at the amount, the Commons decided to ask the King to accept a lesser sum, but Wolsey remained implacable and repeated his demand. The House remaining silent, Wolsey called upon the Speaker to make answer on their behalf. Falling upon his knees More reminded the Lord Chancellor, respectfully but firmly, that for the House to deliver an answer without

## Moses Room

an opportunity for unhindered debate 'was neither expedient nor agreeable with the ancient liberty of the House', and as for himself, 'except every one of them could put into his one head all their several wits, he alone in so weighty a matter was unmeet to make his Grace answer'. On receiving this rebuke, Wolsey departed.

On the fall of Wolsey, More became Lord Chancellor, the first layman to hold that high office. The events which led up to the resignation in 1532 and the subsequent fall of this remarkable man are beyond the scope of this work. The measure of More's greatness may, however, be assessed by the indelible impression he left during his brief appearance in the ever-moving pageant of Parliament.

## MOSES ROOM

A room situated to the west of the Peers' Lobby in the House of Lords, so called from the large fresco by J. R. Herbert, R.A., showing Moses bringing down the Tablets from Mount Sinai.

## MOTHER OF PARLIAMENTS

A term often applied to the British Parliament as the progenitor of all other Parliaments. The expression was originally applied to the English nation by John Bright in 1865.

## MOTIONS

Proposals made in order to elicit a decision of the House. There are two classes of motions, independent or substantive motions (q.v.) and dependent or subsidiary motions (q.v.), and a motion once proposed can only be withdrawn by leave of the House. The motion is the form in which debate on any subject must originate, and when a motion has been moved and seconded the Speaker *proposes* the question, in the same terms as the motion, as the subject of debate. The decision of the House is made known by the Speaker *putting* the question at the conclusion of the debate.

A motion must be moved by the member in whose name it stands except in the case of a minister who may move a motion on behalf of another minister. In the House of Commons all motions must be seconded with the exceptions of motions to carry into effect an order of the House, motions moved by a Privy Councillor or a minister, motions for unopposed returns (q.v.), and motions moved in Committee of the Whole House (q.v.). A member who seconds a motion without speaking is entitled to speak later in the debate.

*See also* ANCILLARY MOTION; DILATORY MOTION.

## MOTIONS FOR PAPERS

Questions or motions of which notice is given in the order paper of the House of Lords may be, and frequently are, the occasion of

general debate. If a peer wishes to reserve to himself the right to reply to the debate, he adds at the end of his question the words 'and to move for papers', since, under Standing Order No. 27 of the House of Lords, the mover of any motion has a right of reply. The 'papers' are, of course, mythical and merely provide a *modus operandi*.

## MULTIPLE VOTE

*See* PLURAL VOTING.

## MUNITIONS, MINISTER OF

Lloyd George was appointed Minister of Munitions in 1915, and was followed by E. S. Montague, Dr. C. Addison (afterwards Lord Addison), and Winston Churchill. The functions of the Minister of Munitions were adopted by the Minister of Supply (q.v.) in the last war, when Canada, Australia, and New Zealand all had ministers responsible for the production of munitions of war.

## MURDER IN PARLIAMENT

Disregarding the many unrecorded acts of violence which no doubt took place within parliamentary precincts during the turbulent years of the Middle Ages, the only murder known to have been committed in recent times was on 11 May 1812, when the Prime Minister, Spencer Perceval, was assassinated by a man named Bellingham, who fired a pistol at him as he was entering the Lobby of the House of Commons. The spot where the assassin stood is now covered by the statue of Burke.

## MUTINY BILL

*See* ARMY ACT.

# N

## 'NAMING' A MEMBER

If a member of the House of Commons defies the authority of the Chair by refusing to withdraw offensive language or in some other way abuses the rules of the House, he can be directed by the Speaker or Chairman to leave the Chamber for the remainder of the day's sitting. If the member refuses and is persistent in his disregard of the Chair, the Speaker refers the matter to the House by rising and saying, 'I must name the Hon. Member for . . ., Mr. . . ., for disregarding the authority of the Chair.' The Leader of the House then moves that the Member be suspended from the service of the House, and the motion must be put to the question 'without amendment, adjournment or debate'.

If the member is named in Committee of the Whole House by the Chairman, the latter immediately suspends the proceedings and reports the circumstances to the House when the Speaker has resumed the Chair. From this point matters proceed as described above.

If the House agrees to the suspension, the Speaker again directs the member to withdraw and, if he still persists in refusing to do so, even when summoned under the Speaker's orders by the Serjeant-at-Arms, force is resorted to. If this is necessary, the Speaker calls the attention of the House to the fact, and in such a case the suspension of the member is for the remainder of the session. The normal period of suspension is now fixed at five sitting days for the first offence and twenty for the second, the uncompleted portion of the sitting during which the offence was committed counting as one day. The first offence is taken to mean the first during that session.

A member who is suspended is not exempt from serving on a Private Bill Committee but, apart from this exception, suspension from the service of the House of Commons means exclusion from the precincts of the Palace of Westminster.

A similar procedure is adopted in other Commonwealth Parliaments for the punishment of offenders.

A member guilty of a breach of privilege or contempt may be suspended without being named, but in such a case the motion for his suspension would be subject to debate. The practice of 'naming' a member was first introduced by Speaker Lenthall (q.v.) in 1641.

## NATAL PROVINCIAL COUNCIL

*See* SOUTH AFRICAN PROVINCIAL COUNCILS.

## **NATIONAL DEMOCRATIC PARTY**

An offshoot of the Labour Party, including a number of prominent trade union leaders, which was formed in 1918 to support the continuation of the Lloyd George Coalition Government. In the 1918 General Election (the 'Coupon' Election) 10 of its 28 candidates were elected. One of these reverted to the Labour Party, and the brief history of the N.D.P. ended with the defeat of the other 9 by Labour candidates in the General Election of 1922. Thus passed away the predecessor of the National Labour Party (q.v.) of 1931, which was to perish hardly less ingloriously in its turn.

## **NATIONAL EXPENDITURE COMMITTEE**

*See* SELECT COMMITTEE ON ESTIMATES.

## **NATIONAL INSURANCE, MINISTER OF**

The comprehensive scheme of social insurance introduced by the Government, which was largely based on the Beveridge Report, was responsible for the creation of this Minister's department in 1944. It took over much of the work relating to insurance formerly administered by the Ministries of Labour and Health and the Home and Scottish Offices, and the Minister was made responsible for the working of unemployment insurance, though the actual payment of benefit was made at the local offices of the Ministry of Labour. His department was assisted by Local Appeals Tribunals and by the National Insurance Commissioner, quasi-judicial authorities set up under the National Insurance Acts. In 1955 the department was combined with that of the Minister of Pensions under a Minister of Pensions and National Insurance.

The first Minister of National Insurance was Sir William Jowitt (afterwards Lord Jowitt). He has been succeeded in office by Leslie Hore-Belisha, James Griffiths, Dr. Edith Summerskill, and Osbert Peake. Mr. Peake became the first Minister of Pensions and National Insurance.

*See* PENSIONS AND NATIONAL INSURANCE, MINISTER OF.

## **NATIONAL LABOUR PARTY**

The party that followed Ramsay MacDonald when he accepted the leadership of a National Government of all parties formed in 1931 as a result of the economic crisis. The Labour Party regarded his action as a betrayal, and only 15 of them became members of the National Labour Party. Three of MacDonald's former Cabinet colleagues, Snowden, Sankey, and J. H. Thomas, agreed to join the National Government. In the General Election which followed in October 1931 only 13 (out of 20) National Labour Party candidates were

## National Liberal Party

returned to Parliament among the 554 who supported the National Government. The National Labour Party was really a party of leaders with no followers, and after the 1935 election only 8 of its members were left in Parliament, with Thomas as the sole survivor of the Labour Cabinet seceders of 1931. MacDonald was defeated but was returned as M.P. for the Scottish Universities in 1936 and died the following year. Thomas resigned in 1936 following a leakage of Budget information, and after that the National Labour Party quietly faded away.

## NATIONAL LIBERAL PARTY

The Liberals had always strongly advocated Free Trade, but the economic crisis of the 1930's raised doubts among some of them as to whether this doctrine could always be strictly adhered to. These Liberals decided to support the MacDonald National Government and the 10% *ad valorem* general tariff, and in four days a new party was organized and staffed under the leadership of Sir John Simon (afterwards Viscount Simon). The party called itself 'Liberal National' to distinguish it from the National Liberal Federation, but its supporters were often referred to as 'Simonites' or 'Simonite Liberals'. In the 1931 General Election the Liberal Nationals secured 35 seats, and in 1935 32 seats in Parliament. In 1936 the National Liberal Federation, which was the Liberal federation of constituency associations, was dissolved and its place was taken by the Liberal Party Organization. This removed the Simonites' objection to the name 'National Liberal', and after the Second World War the Liberal National Party became the National Liberal Party. Also in 1936 the party held its first representative conference, and although its leaders insisted that they were remaining true to Liberal principles while supporting the National Government, their protestations could not undo the effect of a prophetic remark made by Mr. Baldwin just before the conference, that the Liberal Nationals would inevitably be drawn into the Tory Party in course of time. The 1945 election saw 13 National Liberal candidates returned, and in 1946 the party approached the Liberals with a view to reuniting with them. The Liberals insisted that reunion could only be acceptable on the understanding that the combination would be opposed to both Labour and Conservatives, and as the National Liberal Party could not agree to this stipulation they entered into an agreement with the Conservatives in 1947 for a closer relationship. This was known as the Woolton-Teviot Agreement, from the names of the Chairmen of the respective party organizations. By this agreement combined constituency associations were formed, and after the 1950 election the National Liberals and other Conservative supporters, i.e., the Conservative and National Liberals, Conservative and Liberals, National Liberal and Conservatives, and Liberal and Conservatives, formed a National Liberal Unionist Group in the House of Commons, with its own



## **Newfoundland Parliament**

Chairman and Whip. At the 1951 election 20 Liberal Unionists were returned to Parliament and 22 in the 1958 General Election.

### **NATIONAL SERVICE, MINISTER OF**

Neville Chamberlain was appointed Director-General (he was not then a Member of Parliament) of the Ministry of National Service when Lloyd George became Prime Minister in 1917. Later Sir Auckland Geddes was appointed Minister, which office he held until the Ministry was abolished in 1919. Until the appointment of a Minister, Arthur Henderson, a Minister Without Portfolio, represented the Ministry in the House of Commons. During the Second World War a Minister of Labour and National Service was appointed.

### **NEW BRUNSWICK PARLIAMENT**

The government of New Brunswick is vested in a Lieutenant-Governor assisted by an Executive Council and a Legislative Assembly of 52 members elected for a term of five years. Until 1892 the legislature was bicameral. The Province sends 10 members to the Canadian Senate and 10 to the House of Commons.

### **NEWFOUNDLAND PARLIAMENT**

Sir Humphrey Gilbert took possession of Newfoundland in 1583 in the name of Queen Elizabeth I, and it became in 1610 the first territory to be colonized by the English. The first representative Assembly met in 1833, and in 1855 responsible government was granted with a bicameral legislature and Dominion status in 1917. In 1933 Newfoundland requested the U.K. Government to appoint a Royal Commission to investigate the financial situation, which recommended that until the island became self-supporting again the existing Constitution should be suspended and a Commission of Government established. In 1934 6 Commissioners were appointed, 3 from Newfoundland and 3 from the U.K., under the chairmanship of the Governor, and parliamentary government was suspended. The U.K. Government announced in 1945 that a National Convention would study and discuss the financial and economic situation of the island and make recommendations as to its future government. Forty-five members were elected to the Convention in 1946, and in 1948 it proposed that a referendum should be held to decide between confederation with Canada, the continuation of the Commission for five years, and responsible government as it existed in 1933. It became necessary to hold two referenda, as in the first held in June 1948 no one form of government received a clear majority of votes. The Commission received the fewest votes, however, and when a second referendum was held in July on the other two alternatives, the decision was for confederation. This accordingly took place on 31 March 1949, and Newfoundland became the tenth Province of Canada. The upper

## **New Member, Introduction of**

House was dropped when the legislature was revived and the Government now consists of the Lieutenant-Governor, an Executive Council of the Premier and 10 ministers; and the House of Assembly, whose membership was increased from the previous 27 to 36 in 1956. The Coast of Labrador became part of Newfoundland and an additional constituency after confederation. Procedure in the new House has been revised but is still based on that of the House of Commons—e.g., an amendment proposing to leave words out of a motion is put in the form 'that the words proposed to be left out do stand part of the question' and not in the simpler form 'that this amendment be agreed to'. An unusual feature of the House of Assembly is that the Government sits on the left of the Speaker. Newfoundland now has universal adult suffrage, the Terms of Union with Canada having extended the suffrage to women at the age of twenty-one (previously twenty-five).

Newfoundland sends 7 members to the Canadian House of Commons and 6 Senators to the Senate.

The House of Assembly meets at St. John's in the Colonial Building, which has housed the legislature since it was opened in 1850.

## **NEW MEMBER, INTRODUCTION OF**

*See* INTRODUCTION OF A MEMBER.

## **NEW PALACE YARD**

After Westminster Hall (q.v.) was completed in 1098 under William Rufus the open space outside its main entrance was called 'New Palace Yard' to distinguish it from Old Palace Yard (q.v.). During the nine hundred years of its history New Palace Yard has been the scene of many strange and tragic events. Many famous historical figures have passed through it to face trial in Westminster Hall, and many an offender, including Perkin Warbeck and Titus Oates, has been exposed in the pillory which was once a feature of the Yard.

## **NEW PARTY**

Founded by Sir Oswald Mosley in 1931 to put forward a solution to the economic crisis which the Government had not been able to accept. It was joined by 5 other Members of the House of Commons, but at the General Election later in the year all its 24 candidates were defeated. The party was already defunct when its founder went over to Fascism in 1933.

## **NEW SOUTH WALES PARLIAMENT**

New South Wales became a British possession in 1770, and from 1788 until 1824 was administered by a Governor. The latter year saw the appointment of a Council of not more than 7 or less than 5 members to advise the Governor. In 1828 the Council was increased to 15 members—though still nominated by the Crown—and the Governor

still retained the exclusive right to initiate legislation, although petitions could be presented to him praying for the enactment of laws. After the cessation of transportation of convicts in 1842, a Legislative Council of 36 members, with 24 elected by the colonists, was constituted and first met in 1843. The Governor ceased to preside over the Council, which elected its own Speaker, subject to the Governor's approval. In 1851 New South Wales lost part of its territory to form a new State—Victoria—and as some recompense was granted responsible government with a nominated Legislative Council and an elected Legislative Assembly. In this connexion it is interesting to note that New Zealand and all the Australian States, with the exception of Western Australia, were once part of the Colony of New South Wales. The new Parliament first met in 1856 and the secret ballot was introduced two years later. Universal suffrage was achieved when women were given the vote in 1902, and compulsory voting was introduced in 1930. In 1934 the Council was reconstituted and became an elective House, the electors being the members of the Council and Assembly. Membership is now for twelve years, 15 of the 60 members being elected every three years by a system of proportional representation. Before this change the President of the Council was appointed by the Governor, but he is now elected by the Council itself. The Legislative Assembly was enlarged in 1949 from 90 to 94 members, who are elected for the three-year term of each Parliament. Under an Act passed in 1950, no Bill extending the life of a Parliament beyond three years may be presented to the Governor for assent unless the Bill has been approved by a referendum of the people. There are a number of variations in the procedure of the New South Wales Parliament from that of the United Kingdom, such as the Speaker being elected in a new Parliament *after* the swearing-in of the members. Practice in regard to motions varies considerably, and although Private Bills have become almost unknown in New South Wales, the procedure is entirely different from that of the House of Commons. For a comparative study of these points refer to Walcott, *Report on practice etc. of the House of Commons* (Government Printer, Sydney, 1948).

Parliament House in Sydney was originally part of the old General Hospital buildings. It was appropriated in 1829 for the second session of the Legislative Council. This building, with additions and alterations, has housed the legislature ever since. The last extensive rebuilding was put in hand between 1934 and 1936, when the Council Chamber was also re-lined and air-conditioned and extra rooms were provided for members.

## NEW ZEALAND PARLIAMENT

In 1852, twelve years after New Zealand had been formally annexed to the British Empire, the United Kingdom Parliament passed the New

## New Zealand Parliament

Zealand Constitution Act, which provided for a General Assembly consisting of the Governor, a Legislative Council, and a House of Representatives. The first meeting of Parliament was in May 1854, but the shadow of the Colonial Office was still upon it, and there was a strong demand from Members of the lower House for the removal of the old-time officials from office so that the administration would be entirely in the hands of the ministers responsible to Parliament. The United Kingdom agreed to this in 1855, and responsible government was introduced a year later. An Act amending the Constitution Act was passed in 1857 giving the Assembly power to amend, alter, suspend, or repeal, with certain exceptions, any of the provisions of the 1852 Act. The Constitution also provided for Provincial Councils, but they were abolished in 1876. The Statute of Westminster (q.v.) was adopted by New Zealand in 1947.

The General Assembly now comprises the Governor-General, representing the Queen, and the House of Representatives. The Legislative Council, or upper House, was abolished in 1950 because the Government came to the decision that it performed no useful function. The way was left open for its restoration, however, at such time as this should become desirable. Parliaments in New Zealand were first elected for five years, but since 1881 the term has normally been for three years, following the passing of the Triennial Parliaments Act in 1879. The New Zealand Constitution provided for not more than 42 nor less than 24 members to be elected to the House of Representatives, and the first popular Chamber, elected in 1853, had 37. With the growth of the country the number of members has been increased, and there are now 80, including 4 Maori members. A quorum is 20, including the Speaker. The present Cabinet, whose members also form the Executive Council, numbers 15, but as there are over 40 Departments of State each minister must accept responsibility for several of them. In the execution of the authority vested in him, the Governor-General must be guided by the advice of the Executive Council, but if he does not agree with it he may act in opposition to their opinion. In this case he must report the matter to the Queen and give his reasons for so acting.

Since the abolition of plural voting in 1889 and the introduction of women's suffrage in 1893 every person of twenty-one and over has a vote, provided that they have lived in the country for a year and for three months in their electoral district. All registered electors, subject to the usual disqualifications, are eligible for adoption as parliamentary candidates, women becoming qualified in 1919 under the Women's Parliamentary Rights Act.

There was no developed party organization in New Zealand until the 1880's. The Liberal Party emerged in 1890 and introduced laws for the improvement of labour conditions, land reform, the franchise

for women, and old-age pensions. The Reform Party which formed a Government in 1912 adopted a conservative policy and stood mainly for the farming interests, but it was defeated by a combination of the United Party and the Labour Party in 1928. The United Party remained in power until the withdrawal of Labour support in 1930, when the U.P. formed a Coalition Government with the Reform Party, and in 1935 the Labour Party took office. The Labour Party was defeated in 1949 by the National Party, which was also returned in the two subsequent General Elections. The National Party returned 46 members to Parliament and the Labour Party 34 in the 1954 election.

The New Zealand Parliament follows the procedure of the House of Commons fairly closely. Variations do occur, and some of these are brought out under the following headings:

*Speakership.* The Speaker is not able to remove himself entirely from politics owing to the smaller number of members and the importance of a single seat. He must fight to be re-elected and this entails keeping up party affiliations. It does not, however, mean that the Speaker favours the Government—in the chair he still retains his impartiality. One of the Labour Speakers frequently addressed questions to ministers and even took part in debates on Supply.

*Questions.* 'Urgent questions' are those requiring an immediate answer in the public interest. Copies are handed to the Speaker and to the minister before the sitting and if then passed as 'urgent' by the Speaker they may be asked and at that sitting answered by the minister. All other questions are asked verbally by giving Notice of Motion. They are answered by written replies given on a supplementary order paper. Once weekly the answers can be discussed on a Motion for the Adjournment, members being allowed five minutes and ministers ten.

*Financial Procedure.* The Budget is always introduced in Committee of Supply unless it proposes indirect taxation, when it is introduced in Committee of Ways and Means. Estimates are considered by the Public Accounts Committee and not by a Select Committee on Estimates, and a session falls within a single financial year and does not extend over two as in the House of Commons. In this way all the estimates are disposed of in a single session.

*Radio Broadcasting.* Debates of the House of Representatives have been broadcast since 1936 when a few of the more important debates were put on the air. Commencing with the session of 1937 there have been regular broadcasts of the afternoon session between 2.30 and 5.30, and the evening session from 7.30 until 10.30, when broadcasting ceases even if the House sits longer.

*Select Committees.* Bills on certain questions—such as Labour, Agriculture, Local Government, Health, or Maori Affairs—are referred to Select Committees after a pro-forma second reading. Select Committees consist of 10 members, selected according to party affiliations.

## Nigerian Parliaments

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At present there are 6 from the Government and 4 from the Opposition. Proceedings in Select Committees follow those of a Committee of the Whole House and all Select Committees have power to call for persons, papers, and records; they may also suggest amendments to Bills.

*Order Papers.* The House of Representatives has no Votes and Proceedings but only an order paper which lists Orders of the Day, Notices of Motion, and Questions and papers for consideration. Questions (other than urgent questions) are printed on the following day's order paper. They are transferred each Saturday to a supplementary order paper which is reprinted with the ministerial replies, and circulated on the following Wednesday afternoon for discussion in the House.

The present Parliament House, occupying an imposing 5-acre site, comprises three distinct buildings, an old wooden structure completed for the use of the Governor in 1871, the Library wing, erected over fifty years ago, and the main building, which has not been quite completed since work on it was interrupted in 1922. The first of these buildings was partly reconstructed in 1944 and 1952, and new dining-rooms and bars for Bellamy's (q.v.) were erected. An unusual law requires that after the meeting of a new Parliament, the Clerk of the House must conduct a poll on the question as to whether liquor shall be sold and consumed within the precincts of Parliament House. There is usually a large majority in favour of this. The library wing houses the General Assembly Library of over 200,000 volumes. The Library receives two copies of every New Zealand publication under the Copyright Act. The main building contains the Chamber of the House, the former Legislative Council Chamber, ministerial suites, committee rooms, and accommodation for members.

## NIGERIAN PARLIAMENTS

A small nominated Legislative Council was established in 1861 in the old Colony of Lagos, which became part of the Colony and Protectorate of Southern Nigeria in 1906, Northern and Southern Nigeria being amalgamated in 1914. This Legislative Council, whose jurisdiction did not extend to the Protectorate, remained in existence until 1922. In that year a new Legislative Council was set up for the Colony and the southern part of the Protectorate which, though it had an official and non-African majority, included the first elected Africans in any legislature of British tropical Africa. This Council, which remained almost unchanged until 1946, had a maximum membership of 46, of whom 27, including the Governor, were officials and 19 unofficials. Of the unofficials 4 were elected Africans, the rest being nominated Europeans and Africans. The Executive Council in the period 1922-46 consisted mainly of officials, but 3 African and 2 European unofficials were added in 1943. As a result of the proposals

of the Governor, now Lord Milverton (Cmd. 6599), a new Constitution was granted to Nigeria in 1946. The principal features were the introduction of Regional Councils for the Northern, Eastern, and Western groups of provinces, and a Legislative Council (16 official and 28 unofficial members) whose competence covered the whole of the territory. In 1951 there were more constitutional changes. The regional legislatures were enlarged and given increased powers; the Executive Council was transformed into a Council of Ministers, as the principal instrument of policy, with 6 *ex-officio* members and 12 ministers (4 from each region), and the Legislative Council became a much enlarged House of Representatives with a majority of elected members.

Since the introduction of its present Constitution on 1 October 1954, Nigeria has become a Federation with a single-chamber legislature sited in Lagos, the capital and federal territory. The Federal House of Representatives now has a Speaker appointed from outside the legislature, 3 *ex-officio* members, up to 6 special members appointed by the Governor-General, and 184 elected members, 92 for the Northern Region, 42 each for the Western and Eastern Regions, 6 for the Southern Cameroons, and 2 for Lagos. The Council of Ministers now has 3 *ex-officio* members and 10 ministers, 3 from each region and 1 from the Southern Cameroons. The main effect of the 1954 Constitution was to give the regions greater autonomy and to carry them a considerable way towards self-government, which in the case of the Eastern and Western Regions was granted in 1957. The greater responsibilities of the regional legislatures has been recognized by the appointment of a Governor in each region instead of a Lieutenant-Governor, and by replacing the office of Governor of the whole country by that of Governor-General. The Northern and Western Regions have bicameral legislatures, the House of Chiefs and the House of Assembly, and as the population is Moslem the suffrage is limited to adult males in the Northern Region. The Eastern Region has only a single-chamber legislature, and the ministers, with the Governor as President, form the Executive Council in each case.

The Cameroons under U.K. trusteeship has been administered as part of Nigeria, the Northern Cameroons as part of the Northern Region, and the Southern as part of the Eastern Region. Under the 1954 Constitution the Northern Cameroons remains part of the Northern Region, but the Southern Cameroons, while remaining part of the federation, has become quasi-federal territory with its own legislature and executive.

(Further reading: Wheare, *The Nigerian Legislative Council*, 1950.)

## NINETEEN PROPOSITIONS, THE

The final terms which Parliament despatched to Charles I on 2 June 1642, before the outbreak of the Civil War. They amounted to a demand

## Nineteen Twenty-two Committee

that henceforward Parliament and not the King should be the sovereign power of the nation. The main demands were that church government and the liturgy should be reformed in accordance with the wishes of Parliament and the laws against Catholics be enforced; that all appointments to the Privy Council and high offices of state should require the approval of Parliament; that the King should resign the control of the army to Parliament; that judges should hold office during good behaviour; that no new peer should sit or vote in Parliament without the consent of both Houses; and that parliamentary approval be required for those persons appointed to educate the King's children, and for any subsequent marriage of his children.

The King rejected the propositions, describing them as the sort of conditions which are made with a prisoner.

*See also* CHARLES I AND PARLIAMENT.

## NINETEEN TWENTY-TWO COMMITTEE

The Conservative Members' Committee in the House of Commons, so called from the meeting of Conservative members at the Carlton Club which decided in 1922 to end the coalition. It is essentially a back-benchers' committee for the discussion of forthcoming business, and when the party is in office the meetings are not attended by ministers—and not as a matter of course even when the party is in opposition. Twelve members are elected to form—with the Chairman, 2 vice-chairmen, a treasurer, and 2 secretaries—an Executive Committee which meets just before the weekly meeting of the full committee. Four members of this Executive Committee sit on the Executive Committee of the National Union of Conservative and Unionist Associations, all Conservative M.P.s being members of its Central Council.

*See also* CONSERVATIVE PARLIAMENTARY PARTY; CONSERVATIVE PARTY.

## NO CONFIDENCE, VOTE OF

*See* VOTE OF CONFIDENCE.

## NOMINATED MEMBER

*See* OFFICIAL MEMBER; UNOFFICIAL MEMBER.

## NORTH BORNEO LEGISLATIVE COUNCIL

Until July 1946 North Borneo was a Protected State with a Legislative Council constituted under the Royal Charter granted to the British North Borneo Company in 1881. This Council enacted legislation but exercised no financial control, this being reserved to the Court of Directors of the company in London. When the territory (including the island of Labuan) became a Colony in 1946, an Advisory



Council was established which was superseded by the present Executive and Legislative Councils in 1950. The Executive Council has 3 *ex-officio*, 2 official, and 4 nominated members, while the Legislative Council has 3 *ex-officio*, 9 official, and 10 nominated members. The seat of government and capital of the Colony is Jesselton.

### NORTHERN IRELAND PARLIAMENT

As an attempt to provide some measure of self-government for Ireland, the Government of Ireland Act of 1920 kept the whole country within the framework of the United Kingdom but set up two subordinate governments to deal with purely local affairs, one in Belfast for Northern Ireland (Ulster) and the other in Dublin for Southern Ireland. There was to be a council of representatives from both to discuss and settle matters of common interest, but the Act was ignored by Southern Ireland, which preferred complete separation and a republic. However, elections were held in Northern Ireland in 1921, and the first Parliament was opened by King George V on 22 June in its temporary home, the Presbyterian Assembly's College in Belfast. Although the Governor summons, prorogues, and dissolves Parliament and assents to Bills as in distant countries of the British Commonwealth, Northern Ireland by its Constitution is an integral part of the United Kingdom of Great Britain and Northern Ireland and elects 12 members to the United Kingdom Parliament. The taxation of the province is on the same basis as that in other parts of the United Kingdom and, with the exception of a few local duties, its revenue goes into the United Kingdom exchequer. Also many Acts passed at Westminster apply to Northern Ireland in the same way as to other parts of the United Kingdom, but there is a considerable range of local affairs which have been passed over to the care of the Northern Ireland Government. These are indicated by departments represented by ministers—Finance, Home Affairs, Labour and National Insurance, Education, Agriculture, Commerce, and Health and Local Government.

Parliament has two Houses—the House of Commons with 52 members and a Senate with 26 members. Members of the House of Commons are elected for five years by universal adult franchise from single-member constituencies, with the exception of Queen's University, Belfast (there is now no university representation (q.v.) in the British House of Commons), which returns 4 members. Twenty-four members of the Senate are elected by the House of Commons for eight years, and half the seats fall vacant at the end of every fourth year. The other two senators hold their seats by virtue of their office—the Lord Mayor of Belfast and the Mayor of Londonderry.

Parliamentary procedure is very similar to that of the Westminster House of Commons, but as a result of the very much smaller membership of the Northern Ireland Parliament there is one important

## Northern Rhodesia Legislative Council

difference. A minister can introduce Bills, answer questions, or make statements in both Houses, although he will be a member of one only—most ministers are members of the House of Commons. A minister without any departmental duties who is a member of the Senate is sometimes appointed to represent the Cabinet in the Senate and to act as Leader of the House.

Parliament House stands on a hillside in a 300-acre estate at Stormont five miles south-east of Belfast, the capital of the province. The building, where Parliament first met in 1932, was presented by the Imperial Government, and is one of the most beautiful and impressive legislatures in the Commonwealth. It is designed in the Greek Classical tradition, and the sculpture around the building is particularly fine. There are four main floors, and the whole structure is 365 feet by 164 feet and 70 feet high, rising to a height of 92 feet at the centre of the main façade. The decorative character of the ceilings and the lighting effects of the Great Hall (100 feet by 48 feet) and the two Chambers are outstanding features of the building.

(Further reading: Mansergh, *The government of Northern Ireland*, 1936.)

## NORTHERN RHODESIA LEGISLATIVE COUNCIL

First constituted in 1924, when the administration of the territory was taken over by the British Government from the British South Africa Company. At first all the members were nominated, but since 1926 the Legislative Council has always contained a number of elected members. In 1948 there was an unofficial majority for the first time, and the first African members appeared on the Council. This year also saw the Governor replaced by a Speaker to preside over meetings of the Council, since when the Governor has attended only for the purpose of delivering the Speech from the Throne, although he has a constitutional right to address the Council at any time.

The Legislative Council as most recently reconstituted by the Northern Rhodesia (Amendment) Order in Council, which came into force on 31 December 1953, consists of 8 official members and 18 unofficials. The 8 official members are all Civil Servants, 4 *ex-officio* (Chief Secretary, Attorney-General, Financial Secretary, and Secretary for Native Affairs) and 4 nominated. The 18 unofficial members comprise 12 elected members, 4 African members, and 2 nominated unofficial members appointed to represent the interests of the Africans. The 4 African members are technically appointed by the Governor, but they are actually selected by means of a ballot amongst the members of the African Representative Council.

The Executive Council consists of the 4 *ex-officio* members mentioned above, 3 elected members, 1 of the 2 nominated unofficial members, and 1 of the nominated officials. These 9 members meeting

under the chairmanship of the Governor in effect constitute the Cabinet, although it is only advisory and has no collective responsibility. In the Legislative Council they sit together on the Government front bench, and they are supported by the 3 other official members, making 12 altogether on the Government side of the Chamber. The establishment of the Federation of Rhodesia and Nyasaland has not affected Northern Rhodesia's constitutional status.

(Further reading: Davidson, *The Northern Rhodesia Legislative Council*, 1948.)•

## NORTHERN TERRITORY LEGISLATIVE COUNCIL

Transferred by South Australia to the Commonwealth of Australia in 1911, the Northern Territory was governed by an Administrator from 1931 until the Council was inaugurated in 1948. It consists of the Administrator and 7 official and 6 elected members, all legislation having to receive the assent of the Administrator. He may reserve ordinances for the assent of the Governor-General in certain cases. Money votes may be proposed in the Council only by the Administrator, or by his permission or direction.

In 1955 the Council occupied a new and permanent Chamber and offices in Darwin, erected on the site of a post office building which was destroyed by Japanese bombers in 1942. The Northern Territory elects one member to the Federal House of Representatives, but although he may take part in debates he has no vote in the House.

## NORTHSTEAD, MANOR OF

See CHILTERN HUNDREDS.

## NOTICE OF MOTION

A member intending to introduce a motion is normally required to give notice to the House of his intention.

See also MOTIONS.

## NOTICE PAPER

That part of the Vote (q.v.) which includes questions (q.v.), Notices of Motions (q.v.), notices of amendments to Bills, and notices of committees which are to meet that day.

## NOVA SCOTIA PARLIAMENT

After the confederation of the Canadian Provinces in 1867, Nova Scotia continued with its bicameral legislature, the upper House, the Legislative Council, having 21 nominated members. This was abolished in 1926 after having been in existence for 170 years. The Province is now administered by a Lieutenant-Governor and a House of Assembly consisting of 37 members elected for a term of five years. Nova Scotia

## Nyasaland Legislative Council

sends 10 members to the Canadian Senate and 12 to the House of Commons.

### NYASALAND LEGISLATIVE COUNCIL

The Constitution was granted by an Order in Council of 6 July 1907. The first Council existed for five years, but after that the duration of appointment of unofficial members was three years until 1955, when it was extended to four years. Three European unofficial members were appointed, this number remaining constant until 1932. After the First World War the Chamber of Agriculture and Commerce was empowered to put forward 2 nominees in order of preference for any vacancy that might arise on the Council, the final selection being made by the Governor. By the time of the Second World War, the Council had been enlarged to include 6 unofficial members, 1 to represent African interests, 1 to represent the Northern Provinces Association, and 4 nominees of the Nyasaland Convention of Associations. The revised Constitution of 1949 provided for unofficial representation on the basis of 5 Europeans nominated by the Convention of Associations, including 1 nominated by the Northern Provinces Association, 1 European representing African interests nominated by the Governor, 1 Asian selected from a number put forward by the Indian Chamber of Commerce, and 2 Africans (increased to 3 in 1953) appointed from a list recommended by the African Protectorate Council. Following the changes in the Constitution announced in June 1955, of the unofficial members 6 non-Africans are now elected by constituencies instead of through associations, and 5 Africans by the African Provincial Councils. The present composition of the Council since the March 1956 election is the Governor (President), 11 official members, and 11 unofficials. The Executive Council comprises the Governor, 4 official, and 2 unofficial members.

The African Representative Council consists of 31 elected African members, with the Secretary for Native Affairs as President. It was established in 1946, and advises the Governor on matters affecting the African population of the territory. The establishment of the Federation of Rhodesia and Nyasaland has not affected the latter's constitutional status.

Nyasaland's new £75,000 Legislative Council building in Zomba was opened by the Governor in February 1957.



## OATHS

Every member elected to a seat in the House of Commons must, before taking his seat, take the oath of allegiance or make the affirmation required by law. At one time Members of Parliament had to take three oaths—the oaths of supremacy, of allegiance, and of abjuration. By an Act of 1679 the oaths of supremacy and allegiance, formerly taken before the Lord High Steward, were required to be taken by the Lords and Commons at the Tables of their respective Houses. The oath of supremacy was a repudiation of the spiritual or ecclesiastical authority of any foreign prince, person, or prelate, and of the doctrine that princes deposed or excommunicated by the Pope might be murdered by their subjects. The oath of allegiance was a declaration of fidelity to the Sovereign, and the oath of abjuration introduced in 1702 was a repudiation of the right and title of descendants of James II to the throne. To these was added a declaration against transubstantiation, which with the oath of supremacy effectively barred Roman Catholics from Parliament, while the oath of abjuration, which concluded with the words ‘on the true faith of a Christian’, could not be taken by a Jew. The Roman Catholic Relief Act of 1829 provided an oath acceptable to members of that church and also abolished the declaration against transubstantiation, while Jews were enabled to sit in the House after the passing of an Act in 1858 permitting the omission of the words ‘on the true faith of a Christian’ in individual cases. In the same year a single form of oath was prescribed instead of the former three, and by the Parliamentary Oaths Act of 1866 the words which caused the difficulty were omitted from the statutory form required.

By Acts passed in 1678, 1701, and 1714 severe penalties were inflicted on members of either House who sat or voted without taking the oath, and by the 1866 Act the offence incurs a penalty of £500. In the Commons, however, it is necessary to move a new writ immediately the omission is discovered, as the member’s seat is vacated. The Chiltern Hundreds (q.v.) may be accepted before the oath is taken, and a member is entitled to all his other privileges (but not to his salary).

At the opening of a new Parliament the Speaker is the first to take the oath after his election and return from the House of Lords. He is followed by the members, but the oath must be taken or affirmation

## Office of Profit under the Crown

made with a full quorum of members in the House. The Promissory Oaths Act, 1868, substituted for various earlier forms the oath which is now in the following form: 'I . . . do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law. So help me God.'

On the accession of a new Sovereign members of both Houses again take the oath, although on the authority of Sir D. Somervell the obligation ceased to be statutory in the 18th century and has since been continued by custom of Parliament. Ministers on appointment take the oath of allegiance and the official oath. The form of the latter is: 'I . . . do swear that I will well and truly serve Her Majesty Queen Elizabeth in the office of . . .'

*See also AFFIRMATION; BRADLAUGH, CHARLES.*

## OFFICE OF PROFIT UNDER THE CROWN

In the time of James I the House of Commons insisted that an office the duties of which entailed prolonged absence from the House was inconsistent with a seat therein, and various Bills were introduced after the Restoration to exclude executive officers in order to diminish the influence of the Crown over Parliament. By the end of the 18th century the principle was also established that the control or influence of the executive government over the House by means of an undue proportion of office-holders being members should be limited. Commissioners of Stamps and Excise were excluded from membership of the House by statutes of 1694 and 1699, but the principle of the exclusion of what subsequently became the Civil Service was established by the Succession to the Crown Act of 1707. Apart from the statutory limitation on the number of ministers that can be appointed, the Re-election of Ministers Acts of 1919 and 1926 removed the necessity for a member appointed to a 'political' office to seek re-election. The acceptance of an 'office of profit', such as the stewardship of the Chiltern Hundreds (q.v.), enables a member to resign his seat, which according to a settled principle of parliamentary law he could not otherwise do. Even where an office has no salary or profits attached, acceptance of it could vacate a seat. A recent example of this was the disqualification of the member elected in a Mid-Ulster by-election in August 1955, but such members are indemnified by a special Act from the heavy fines incurred by sitting and voting illegally. The House of Commons Disqualification (Temporary Provisions) Act, 1941, allowed the appointment of a member to an 'office of profit' if the Prime Minister certified that it was necessary to the war effort. The debates on this Bill brought into prominence the fact that, to quote Sir Winston Churchill, 'the whole of this question of offices and places of profit is in a state of great legal complexity and obscurity'. The result was the appointment of a Select Committee (the Herbert Committee) which

## 'One Man, One Vote'

recommended legislation to reform and consolidate the law on this subject. Fifteen years later the House of Commons Disqualification Bill was introduced and closely followed the recommendations of the Select Committee. The consolidation of the existing law involved the repeal or partial repeal of 118 Acts, and the schedules to the Bill help to clarify the position by actually listing the offices disqualifying for membership and those which do not. The Bill was passed by the House of Commons without a division, and received the Royal Assent in 1957.

## OFFICIAL MEMBER

A member of a colonial legislature (q.v.) who is nominated by the Governor from the public service of the Colony. Official members, together with *ex-officio* members, should be distinguished from the representative or unofficial members of a colonial legislature.

## OFFICIAL REPORT OF DEBATES

See HANSARD; PARLIAMENTARY DEBATES.

## OLD PALACE YARD

Surrounded by houses in medieval times, in one of which lived Geoffrey Chaucer, Old Palace Yard is now the space on the west side of the Palace of Westminster (q.v.) where the equestrian statue of Richard I by Marochetti is situated. A bomb which fell here during the Second World War blew out the south window of Westminster Hall (q.v.) and bent, but did not break, King Richard's sword.

Sir Walter Raleigh and Guy Fawkes were amongst the unfortunate victims executed in Old Palace Yard, so called to distinguish it from New Palace Yard (q.v.).

## OLD PARLIAMENTARY HISTORY

A compilation published as the Parliamentary or Constitutional History of England to the Restoration, in twenty-four volumes, including index, 1751-62. It was the work of a number of hands but was published without the name of any editor. The bulk of the work relates to the Commonwealth and Restoration periods, and it is a valuable work of reference, albeit a defective one. It was one of the sources used by Cobbett and Wright in compiling the Parliamentary History (q.v.).

## 'ONE MAN, ONE VOTE'

This phrase, adopted as a slogan by the opponents of plural voting (q.v.), was coined by Major Cartwright, a famous Radical Member of the House of Commons in the first quarter of the 19th century.

## Onslow, Arthur (1691–1768)

### ONSLOW, ARTHUR (1691–1768)

Speaker of the House of Commons from 1728 to 1761 and a member from 1720. It is probably no exaggeration to describe Onslow as the greatest Speaker ever to preside over the House of Commons. Certainly he set the high standards and traditions which have come to be associated with the office and, in the words of Dasent, 'was the first in the long catalogue to realize the supreme importance of the independence and impartiality of the Chair'. Most of Onslow's predecessors had held, in addition to the speakership, lucrative offices under the Government which had always been regarded as the special perquisites of the occupant of the Chair. By resigning the office of Treasurer of the Navy and contenting himself with the income derived from fees on Private Bills, Onslow raised the speakership above politics, on which high level (with the exception of lapses on the part of his immediate successors) it has remained ever since. Onslow may be regarded as the first of the modern Speakers.

Onslow was a zealous guardian of the privileges of the House of Commons and, to quote Horace Walpole, 'against encroachments of the House of Lords he was an inflexible champion'. Many testimonies exist to his integrity and ability, the dignity and authority with which he sustained his office, and the high regard in which he was held by his contemporaries. He introduced many improvements in the clerical organization of the House of Commons, and it was due to his influence that the House, in 1742, ordered its Journals to be printed.

Onslow retired from the Chair and from the House on 18 March 1761, and took his leave of Parliament with a simple and moving speech in which he expressed what his life's work had meant to him. This speech and the Commons' high tribute to him can be found in the House of Commons Journal (vol. 28, p. 1108). He was the third of the Onslow family to occupy the Chair of the House of Commons, and he held and still holds to-day the record for length of service as Speaker.

### ONTARIO LEGISLATIVE ASSEMBLY

The powers and rights of this single-chamber legislature are defined in the British North America Act of 1867. Ontario before Confederation was known as Upper Canada, and afterwards, with the other three Provinces, ceded certain authority to the Federal Parliament. The Government consists of the Lieutenant-Governor, the Executive Council or Cabinet, and the Legislative Assembly, which has 98 members (increased from 90 in 1954), who are elected for a term of five years on an adult-suffrage basis. At the 1955 election the Progressive Conservatives obtained 83 of these 98 seats. Unlike some unicameral Parliaments which send their Bills to the Governor or Governor-



## Opening of Parliament

General for the Royal Assent, the Lieutenant-Governor of Ontario signifies it personally in the Legislative Chamber. He has the right either to withhold assent or to reserve the Bill in order to submit it to the Governor-General of Canada for his consideration. In the rare event of his taking either of these actions, his decision is announced to the Legislative Assembly by the Clerk, who also explains the reasons for the Governor's action. Standing Committees are nominated at the beginning of each session, but differ from those of the United Kingdom in that they are each given a distinctive title and charged with the duty of dealing with certain types of Bills and other business. They are appointed by an *ad hoc* committee which is not in being throughout the session like the British Committee of Selection. A distinctive feature of the Ontario House is the Eton-collared page-boys who are employed as messengers. Ontario sends 24 Senators to the Canadian Senate and 85 members to the House of Commons.

The main Parliament Building is in the Romanesque style and was completed in 1892. It contains the Legislative Chamber, which was formally opened in 1893, and covers 4 acres of ground. A new east block was completed in 1927 to relieve congestion in the main building.

## OPENING OF PARLIAMENT

Early Parliaments were opened in the Painted Chamber (q.v.) until 1536, when the modern practice of opening in the House of Lords seems to have begun. The British Parliament is opened by the Sovereign, who proceeds from Buckingham Palace in the State Coach, escorted by the Household Cavalry, down the Mall and along Whitehall, through lines of troops, to the House of Lords. Here the Queen is met by the Great Officers of State and escorted to the Robing Room, where a procession is formed which passes through the Royal Gallery (q.v.) and the Prince's Chamber (q.v.) to the House of Lords. At the head of the procession are the four pursuivants, Rouge Croix, Blue Mantle, Rouge Dragon, and Portcullis, wearing their tabards embroidered with the Royal Arms, followed by heralds and officers of the Court in full dress. The Comptroller and Treasurer of the Household carry white wands, the Private Secretary and the Keeper of the Privy Purse follow in their uniforms; after them come the Lord High Chancellor carrying the Great Seal, the Lord President of the Council, and two peers, one holding aloft the gold-sheathed Sword of State, the other the red velvet Cap of Maintenance trimmed with ermine. Preceded by the Lord Great Chamberlain and the Earl Marshal walking backwards, the Queen, in her ermine robe and wearing the Imperial Crown and many of the finest Crown Jewels, enters the House of Lords. As she does so the lights are turned up and the entire assembly rises to its feet. It is a brilliant gathering—peeresses in gowns of every hue, wearing tiaras, peers in their scarlet robes,

## Opposed and Unopposed Business

archbishops, bishops, and judges in their ceremonial robes, and the Diplomatic Corps displaying a galaxy of uniforms and sparkling orders. When the Queen has taken her seat on the Throne she says: 'My Lords, pray be seated.' The Speaker and Members of the House of Commons having been summoned by Black Rod, the Lord Chancellor hands the Queen a copy of the Royal Speech (which is, these days, an outline of the legislative programme for the session and is prepared by the Government of the day), which she reads to the assembled Lords and Commons. The Speaker and the Members of the House of Commons then return to their own Chamber, the Queen drives back through cheering crowds to Buckingham Palace, and the glorious pageant disperses.

In the House of Commons the business of the session, after certain formal motions have been agreed to, then begins by the Speaker informing the House of the reasons for their summons by reading the Royal Speech, of which, 'for greater accuracy', he has obtained a copy. But before this happens, the Clerk of the House has risen and given out the title of a Bill—the Outlawries Bill (q.v.). The reading of this Bill affirms the right of the Commons to discuss any business they please, irrespective of what may be in the Royal Speech. The House then proceeds to the debate on the address (q.v.).

An interesting custom which still survives is the searching of the cellars by the Yeomen of the Guard prior to the opening ceremony, a practice which was instituted as a result of the Gunpowder Plot (q.v.).

## OPPOSED AND UNOPPOSED BUSINESS

Business is said to be opposed if only one member objects to its transaction. In the House of Commons no opposed business may be considered after 10 p.m. on Mondays to Thursdays, and 4 p.m. on Fridays, unless it is Exempted Business (q.v.). Opposed Private Business may not be taken at the special time allotted to Private Business.

*See BUSINESS OF THE HOUSE.*

## OPPOSITION, THE

The importance of the Opposition in the system of parliamentary government has long received practical recognition in the procedure of all Parliaments throughout the British Commonwealth. Both the name and the fact of 'Her Majesty's Opposition' date from the early days of the 19th century, and the expression has been constantly in use ever since. 'His Majesty's Opposition' was a phrase first used by John Cam Hobhouse (afterwards Lord Broughton) in 1826. The Opposition is the party in the House for the time being in the minority, organized as a unit and officially recognized, which has had experience of office

and is prepared to form a Government, with its leader as Prime Minister, when the existing ministry has lost the confidence of the country. The Leader of the Opposition (q.v.) and his 'Shadow Cabinet' (q.v.) sit on the Front Bench on the Speaker's left hand, with their supporters behind them, as from the beginning of the 18th century the front bench on the right of the Speaker came to be reserved for members of the Cabinet and their ministerial colleagues. Under modern conditions it has fallen to the Opposition to discharge what was regarded before the institution of Cabinet Government as the primary function of the House as a whole—the control by criticism of the Government. Its leader is paid a salary charged directly on the Consolidated Fund, which means that he is beyond the reach of the majority vote without formal legislation. It is organized like the Government party and it has its own rights over the time of the House, as apart from being consulted as to the length of time required for discussion on the different stages of Government Bills, the Opposition has by a convention of about fifty years' standing the right to choose the subjects to be debated on the days allotted to the Estimates and the Bills by which they are finally authorized. The amount of time which is controlled by the Opposition in this and other ways is very substantial. Regarded as a parliamentary institution, it may be claimed for the Opposition that no better system has yet been devised for ensuring that the indispensable function of criticism shall be effectively co-ordinated and exercised in a constructive and responsible spirit. There is a well-known saying of Lord Randolph Churchill's to the effect that the function of the Opposition is to oppose, but its real function is more subtle. It is to act as the responsible outlet for criticism, as the incorruptible searcher after scandals needing exposure, the organized expression of legitimate grievances, and to act as a partly formed, trained, responsible team prepared to take over the reins of Government. To quote Professor Keith, 'The Opposition seeks power to effect the changes it desires, but it does not seek power by means which deny democracy. There are standards of fair dealing which are normally respected, and which, if any party should violate, it endeavours to prove in reality still intact. It follows, therefore, that there must be co-operation, above all in arranging the business of the House. It is not the right of the Government to stifle criticism; it must, therefore, put down for discussion such financial items as the Opposition wish to discuss. It must find time for the discussion of a vote of censure. On the other hand, it expects reasonable aid from the Opposition in dealing with non-contentious business and in arranging the use of Parliamentary time. . . . Co-operation is also sought when issues approach such a crisis that inaction would be dangerous to the public welfare.' It would seem to be established usage now that in moments of supreme national crisis the members of both parties unite in a national

## Orange Free State Provincial Council

coalition, and it also seems established that when the crisis is over the parties should separate into the normal conflicting teams composed of Her Majesty's Government and Her Majesty's Opposition.

## ORANGE FREE STATE PROVINCIAL COUNCIL

*See* SOUTH AFRICAN PROVINCIAL COUNCILS.

## ORDER BOOK

In the House of Commons this serves as a programme, as far as has been notified, of the future business of the session. It includes questions, motions, and orders set down for particular days and Notices of Motion for which no day has been fixed. The daily printing of this paper was begun in 1856.

## ORDER IN THE HOUSE

*See* DEBATE, RULES OF; DISORDER IN THE HOUSE; 'NAMING' A MEMBER; UNPARLIAMENTARY EXPRESSIONS.

## ORDER PAPER

The agenda for a day's sitting of the House.

*See also* VOTE, THE.

## ORDERS AND RESOLUTIONS

Either of these may be the result of a motion accepted by the House—orders expressing its will regarding its domestic affairs (committees, officials, and police) and resolutions declaring its opinions and embodying its purposes, and every question, when agreed to, assumes one of these forms. On ceremonial occasions, such as an address of condolence or congratulation to the Sovereign, orders and resolutions are sometimes declared by the Speaker to have been passed *nemine contradicente*. The House of Lords on these occasions uses the form *nemine dissentiente*. The forms of procedure by which the House varies its previously expressed opinion are discharge in the case of an order, repeal in the case of a Standing Order (vacation in the Lords), rescission in the case of a resolution, and an order that proceedings be null and void. The latter form is adopted when there has been some irregularity or inadvertence in procedure whereby there is no order that can be discharged or resolution which can be rescinded, or when the previous position cannot be restored merely by discharging an order or rescinding a resolution.

*See also* FINANCIAL RESOLUTION.

## ORDERS IN COUNCIL

*See* PRIVY COUNCIL; STATUTORY INSTRUMENTS.

## ORDERS OF THE DAY

The ordinary Public Business of the House consists of Orders of the Day and Notices of Motion. The distinction is now in substance one between the stages of Bills or other matters which the House has ordered to be considered on a particular day and new matters brought before the House in the form of motions. Technically it is a distinction between business partly considered and new business, as a motion, when the debate upon it is adjourned, becomes an Order of the Day, and a Bill may still be introduced on a motion. When the Orders of the Day are reached after Questions, the Speaker directs the Clerk to read them without any question being put, and they are thereupon disposed of following the order in which they stand on the Notice Paper (q.v.).

## OUTLAWRIES BILL

An obsolete Bill which is given its first reading at the beginning of every session of the House of Commons before the debate on the address (q.v.) but is never proceeded with. The long title of the Bill is 'A Bill for the more effectual preventing clandestine outlawries', but its original purpose remains rather obscure. The first reading of the Outlawries Bill is yet another symbol of the ancient rights and privileges of the Commons, and serves to show that they are not compelled to give priority to the Sovereign's business. The ceremony dates from before 1603.

In 1946 a member attempted to initiate a debate upon the Bill but was ruled out of order by the Speaker. The member, C. S. Taylor, raised a point of order and referred to an occasion in 1749 when Sheridan raised a debate on the first reading of the Bill. On a further point of order, another member, W. J. Brown, supported Mr. Taylor and requested the Speaker to reconsider his ruling 'in the light of precedent, and in the light of the tradition of this House', submitting 'that the purpose of the Outlawries Bill is to insist upon the right of the House to discuss some item or other of its own business before going on to consider the King's Speech'. The Speaker, however, adhered to his original ruling. (*See Hansard*, vol. 430, cols. 3-4.)

*See also* SELECT VESTRIES BILL.

## OXFORD PARLIAMENT

The fifth and last Parliament of Charles II which met at Oxford on 21 March 1681. The King appointed Oxford as the meeting-place of this Parliament in order to demonstrate his displeasure with the City of London, hoping also for a greater measure of success with his legislators by removing them from the place where his wishes had been consistently opposed. Sixteen peers drew up a petition of protest against

## Oxford Parliament

the move, praying that Parliament might be allowed to sit, as usual, at Westminster. The King remained adamant, in spite of the fact that the elections had returned a majority to the House of Commons no more likely to prove amenable to his will than the members of the previous Parliament, and he repaired in great state to Oxford on 14 March. The gallery at the Public Schools was adapted for the Lords and the Convocation House accommodated the Commons.

Oxford had also provided the location for some of the earlier Parliaments in our history, but the term 'Oxford Parliament' is generally taken to refer to the last Parliament of Charles II.

# P

## PAINTED CHAMBER, PALACE OF WESTMINSTER

This was situated in the old Palace of Westminster and was so called because of the medieval paintings on the walls which were revealed when the tapestries were removed in 1800. It was previously known as St. Edward's Chamber, as Edward the Confessor is traditionally supposed to have died there. In the 14th century it was used for the Opening of Parliament and as a meeting-place for the Commons until they moved to the Abbey Chapter House at the end of the century. The Painted Chamber was largely consumed by the fire of 1834, but by means of certain adaptations, including the addition of a new roof, it was converted into a temporary Chamber for the House of Lords.

## PAIRING

A system which enables a member who wishes to absent himself to agree with another member from the opposite side of the House to absent himself at the same time, thus neutralizing their votes in any division which might take place during their absence. Members make use of the pairing system not only on specific questions or for one day's sitting alone, but for periods of weeks and months at a time. Consequently two members might have a more or less permanent arrangement to pair.

According to Erskine May, although the practice has never been condemned there can be no parliamentary recognition of it, and pairing arrangements are made privately or through the party Whips. The system is not restricted to the lower House, and it is one which is observed in other Commonwealth Parliaments.

## PAKISTAN PARLIAMENT

A Constituent Assembly for Pakistan, which also functioned as the federal legislature, was set up under the scheme embodied in the Cabinet Mission Plan (Cmd. 6821) dated May 1946 and the Statement on Indian Policy (Cmd. 7136) of June 1947, on the basis of one seat for every million of population. The Dominion of Pakistan came into being on 15 August 1947, and the first meeting of the Assembly was held in Karachi on 23 February 1948. At first there were 69 members, later increased to 79. At the General Election held in June 1955 for Pakistan's second Parliament 80 members were elected, half of whom

## Palace of Westminster (Houses of Parliament)

represented East Bengal and a further 21 the Punjab. At the end of 1954 the Provinces and Princely States in West Pakistan were integrated into a single administrative unit, thus making the country a federation of two Provinces—West Pakistan and East Pakistan, each with its own provincial assembly.

On 2 March 1956 the Governor-General gave his assent to a new Constitution Bill, which provided for a single-chamber legislature (the National Assembly) of 300 members, divided equally between East and West Pakistan, who would be elected for five years on the basis of universal adult suffrage. For the first ten years 10 additional seats are to be specially reserved for women, who will represent five territorial women's constituencies in each of the two Provinces. For a Bill passed by the Assembly to become law it must receive the President's assent, but if this is withheld it is returned to the Assembly, and if it is again passed, by a majority of two-thirds of the members present and voting, the President is obliged to assent to it. The National Assembly will frame its own procedure.

There are several points of existing procedure which may be noted. Bills are not committed to a Standing Committee after second reading as in the House of Commons, and unless they are referred to Select Committees all stages are taken in the House. The Budget and Finance Bill must be passed before the beginning of the financial year, there being no Consolidated Fund Bill, as in the House of Commons, to enable the Government to carry on until such time as Supply can be fully voted. Matters of general public interest which cannot form the subject of resolutions can be discussed on a motion made with the consent of the Speaker, who allots a day for its discussion in consultation with the Leader of the House. The quorum is one-quarter of the total membership of the House, and was formerly one-third. The official languages for use in the Assembly are Bengali, Urdu, and English.

Pakistan has followed India in becoming a republic. On 23 March 1956 she officially declared herself a sovereign and independent Islamic republic, with a President as the head of the state, but continuing as a full member of the British Commonwealth and acknowledging the Queen as the head and symbol of this free association of independent nations.

## PALACE OF WESTMINSTER (HOUSES OF PARLIAMENT)

Built on the site of the ancient Royal Palace, the Palace of Westminster was the chief residence of the Kings of England from Edward the Confessor to Henry VIII. It ceased to be a royal residence after St. James's Palace was built in 1532, but it remained a Royal Palace, and its successor is still under the charge of the Lord Great Chamberlain. There is evidence that Parliaments were held at Westminster



from quite early times. As soon as a royal residence was established there, it was necessarily the meeting-place of the King's Council; but the King maintained several other palaces, and it was only when Westminster became the usual residence of the Sovereign that it became the habitual meeting-place of Parliament.

After the great fire of 1834, which destroyed all the Palace with the exception of Westminster Hall (q.v.), the Crypt, and the Cloisters, the designs of Mr. (afterwards Sir) Charles Barry were accepted for the present building. Construction commenced in 1837, and ten years later the House of Lords was ready for occupation. In 1850 the House of Commons had a trial sitting, and 1852 saw the official opening of the new Palace by Queen Victoria. In 1857 it was completed except for the Victoria Tower (q.v.). It is built of magnesium limestone (from Anston in Yorkshire) which has not stood up to the corrosive effects of the London atmosphere, and extensive replacement and repair were commenced in 1928, held up during the war, and completed in 1953. The east or River Thames front is 872 feet long, including the Terrace, which is 678 feet long and 33 feet wide. The south front from the Victoria Tower to the river is 323 feet in length, and overlooks the Victoria Tower Gardens, while the north side from the Clock Tower (q.v.) to the river is 232 feet long, and overlooks Speaker's Green. This portion of the building is occupied by the official residences of the Speaker and the Serjeant-at-Arms. The Palace covers 8 acres and contains 11 open courtyards, 1,100 rooms, 100 staircases, and two miles of corridors. The buildings were damaged by air raids on twelve different occasions between 11 September 1940 and 10 May 1941, and the Commons Chamber, Members' Lobby, most of the Cloisters, and the north side of the Peers' Court were destroyed. The new Commons Chamber was formally opened on 26 October 1950. (See HOUSE OF COMMONS, sub-heading *New Chamber*.)

#### PALGRAVE, SIR REGINALD FRANCIS DOUCE (1829-1904)

Clerk of the House of Commons from 1886 to 1900 and a leading authority on parliamentary procedure. The successor in office to Sir Thomas Erskine May (q.v.), Palgrave did much to ensure the continuity of Erskine May's outstanding work. Together with Alfred Bonham Carter he edited the much enlarged 10th edition (1893) of May's *Parliamentary Practice*, and he was responsible for the 8th, 9th, 10th, and 11th editions of the *Rules, Orders, and Forms of Procedure of the House of Commons*. Palgrave's other publications include *The House of Commons, Illustrations of its History and Practice* (1869, revised edition 1878) and *The Chairman's Handbook, Suggestions and Rules for the Conduct of Chairmen of Public and other Meetings based upon the Procedure and the Practice of Parliament*, first published in 1877 and many times reprinted.

## Papua and New Guinea Legislative Council

### PAPUA AND NEW GUINEA LEGISLATIVE COUNCIL

Papua (since 1902) and New Guinea (under Mandate) are under the control of Australia, and although the Commonwealth of Australia has delegated legislative power to the Council, ordinances dealing with certain matters must be reserved for the assent of the Governor-General. The Papua Act, 1905, by which Australia accepted the territory, also provided for the establishment of a Legislative Council. After the resumption of civil government, which was suspended during the Japanese invasion (1942-5), the two territories, while retaining their own status and identity, were formed into an administrative union with its headquarters at Port Moresby. From 1945 to 1951 power to make ordinances was vested in the Governor-General of Australia, but a new Legislative Council was inaugurated in 1951 under the Papua and New Guinea Act, 1949, of Australia. The Council now consists of the Administrator, who presides, 16 official and 12 non-official members. For the first time 3 elected and 3 native members were included among the unofficals. The Act also provided for an Executive Council of 9 officials appointed by the Governor-General of Australia.

### PARLIAMENT

The word 'parliament' originally meant a talk, and was derived from the French *parler* (to speak or parley) and the Latin *parliamentum*. In the latter form it was applied to the after-dinner conversations held by monks in their cloisters, talk which the monastic statutes of the 13th century condemn as unedifying. The term was also used to describe conferences such as that held between Louis XI of France and Pope Innocent IV in 1245 and the diplomatic parley between Alexander II of Scotland and Richard, Earl of Cornwall, in 1244. Matthew Paris of St. Albans was the first to apply the word 'parliament' to a great council of prelates, earls, and barons in 1239 and again in 1246. From this time on it was used increasingly, though not exclusively, for such an assembly, but the term did not necessarily connote the presence of the Commons. The word having at first signified the talk itself was by degrees transferred to the body of persons who assembled for discussion, and from the reign of Edward I it came to be regularly used in reference to a national assembly.

The British Parliament, often called the Mother of Parliaments, consists of the Sovereign, the House of Lords, and the House of Commons. Together they exercise the legislative functions of government. The entire executive authority resides in the Sovereign, but under the conventional law of the Constitution she acts only upon the advice of her ministers who sit in the two Houses of Parliament. The ministers in turn are responsible to Parliament and through the House

of Commons to the electorate. The Crown is restrained by statute from ruling without a Parliament. The power of Parliament is transcendent and its Acts bind every subject, even the Sovereign when specifically mentioned, and no authority other than Parliament can create, amend, or abrogate a statute. The two Houses also exercise a judicial authority as the High Court of Parliament (q.v.) and the House of Lords has been recognized since the reign of Elizabeth I as a Court of Appeal.

The history of the British Parliament may be divided into four main periods: the medieval, the period of evolution, during which Parliament assumed the fundamental form familiar to us to-day, the Model Parliament of 1295 setting the pattern for future Parliaments; the period from 1485 to 1688, when Parliament emerged as an independent body under the Tudors, rose to power under the Stuarts, and finally entered into a triumphant conflict with the Crown; the period between 1688 and 1832 when Parliament became established in its modern rôle and in its constitutional relationship to the Crown; and the modern period from 1832 when the Reform Act reconstituted the House of Commons on a more truly representative basis. The parliamentary history of each reign from that of Elizabeth I to that of Victoria is dealt with under the headings of the Sovereigns concerned (e.g., CHARLES I AND PARLIAMENT). The remainder of this article is devoted to an outline of the earlier history of Parliament.

The origin of Parliament can be traced to the Witenagemot (q.v.) of the Anglo-Saxon Kings, an assembly of the wise men of the realm. It had no definite Constitution, it was not elected, and although it was deemed to be a representative body it contained no element of popular representation as we know it. Nevertheless it was a supreme legislative, administrative, and judicial assembly, it could elect and depose a monarch, and no ancient British King attempted to legislate or impose taxes without its advice and approval. It is thus of great importance to a study of the origins of Parliament. The Norman Conquest brought with it many constitutional changes, notably the introduction of the feudal system, but English laws and customs, and in particular the local political organization of the shires, remained unaltered. The structure of the county court or shiremoot bore a close resemblance to the composition of the national assemblies which were to follow; in fact, Parliament became, in the words of Bishop Stubbs, 'the concentration of all the constituents of the shiremoots in a central assembly'. The sheriff of the county who had always presided at the shiremoot continued to do so after the Conquest, but he became a royal appointee and the local government of the shires thus became directly dependent on the King. The feudalization of land tenure created a supreme landlord in the person of the King himself. All land was held directly or indirectly from the King, the great landowners being the King's

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tenants-in-chief, their vassals in turn holding land directly under them. All landholders, however small, owed direct allegiance to the King as well as to their immediate overlords. The Norman system of government was a completely despotic one, but most historians agree that it made for national unity and strength. The councils and assemblies which supplanted the Witenagemot were neither legislative nor representative bodies, although they were presumably convened to offer advice to the King when he sought it. The Great Council probably consisted of the King's tenants-in-chief, and other bodies more numerous were called together as the occasion demanded. The supreme council of state which emerged under the Normans was the *Curia Regis* (q.v.), a body which has been the subject of conflicting statements, and which seems to have been derived partly from the Witenagemot and partly from the Norman feudal court. It consisted of the greatest men of the realm and included the great officers of state—justiciar, chancellor, treasurer, etc.—who eventually formed an inner or privy council (q.v.). The various functions of government had not as yet been differentiated and the *Curia Regis* sat in a judicial, legislative, executive, and financial capacity alike. The Anglo-Saxon Chronicle records that the Conqueror attended its sessions: 'Three times every year he wore his crown, as often as he was in England; at Easter he wore it at Winchester, at Whitsuntide at Westminster, and at Christmas at Gloucester, and then there were with him all the powerful men over all England, archbishops and bishops, abbots and earls, thegns and knights.'

The reign of Henry II was of great constitutional importance. This monarch, as just as he was able, initiated the rule of law, and his sagacious reforms provided a foundation for the English Constitution. Although a despot like his predecessors Henry exercised his power for the benefit of the people as he conceived it. He enlarged the *Curia Regis* and called it at frequent intervals, reserving for his own hearing the causes in which it failed to do justice. There was thus formed a court of appeal consisting of the King and council, 'the body,' writes Stubbs, 'from which at later dates the judicial functions of the Privy Council and the equitable jurisdiction of the Chancellor emerged. It is this council which, in conjunction with the elements of Parliament, summoned to meet, but not under the proper parliamentary style, constitutes the *Magnum Concilium* of the next century, from the mixture of whose powers the House of Lords received its judicial character as a court of appeal, and the Privy Council derived its legislative character, which it attempted to carry out in the form of ordinances.' Henry II gave form and permanence to the jury system, and in 1188 when he imposed the famous Saladin tithe for the expenses of a crusade the liability of individuals to be taxed was assessed in each district by a body of local jurors. The Saladin tithe was the first tax to be imposed

on personal property and in the method employed for its assessment (implying, as it did, a connexion between taxation and representation) can be detected the first glimmer of the principle of parliamentary control over taxation. The reign of John was, of course, notable for Magna Carta (q.v.), the last great constitutional milestone before the coming of Parliament, which confirmed the supremacy of the law and the principle of consent to taxation.

The growth of representation owes much to that great constitutional reformer, Simon de Montfort, who has been referred to as the creator of the House of Commons, and the reign of Henry III may be said to have heralded the age of Parliament. Throughout his reign Henry was in conflict with the barons and a national assembly called in 1242 was the first to issue a written protest and to have its proceedings formally recorded. From 1246 Parliaments, as they were now coming to be called, were held frequently, until in 1254 two knights from each shire were summoned in addition to the prelates, earls, and barons to attend a Parliament held on 26 April. On 11 June 1258 the so-called Mad Parliament (q.v.) drew up the Provisions of Oxford (q.v.), a determined assault upon regal tyranny, calling for observance of the charters of liberties, the regular summoning of Parliaments, and reserving to Parliament the right of appointing the justiciar, chancellor, and treasurer. It is to the famous Parliament of 1265, called at the instance of Simon de Montfort, that the origin of popular representation can be traced. Although it marked a great step forward in the representative system, representatives of the cities and boroughs being summoned to Parliament for the first time, it was not a constitutional assembly in the modern sense as all the known opponents of de Montfort were excluded. The clergy were well represented (although the Archbishop of Canterbury was a notable absentee), but only 5 earls and 18 barons attended. Its most important feature, however, was the representation of the shires, cities, and boroughs, 2 knights, 2 citizens, and 2 burgesses being summoned from each respectively as well as delegates from the Cinque Ports. Simon de Montfort was killed at the Battle of Evesham later in the same year, and although his death was followed by an immediate recovery of power on the part of the King, his introduction of the principles of constitutional government to a land long oppressed by feudalism set in motion a process which the tyranny of succeeding ages failed to stem. Even in this early stage of our constitutional history there were very definite signs that certain of the principles which were eventually to lead to parliamentary sovereignty were beginning to be recognized. It is significant, for instance, that although Henry III never himself conceded the principle of consent to taxation the barons frequently refused him the aids he demanded and the King never claimed the right of general taxation; and it is like stumbling across an anachronism to

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discover a 13th-century judge observing that 'the King can do nothing on earth, being a minister of God, but what he can do by law; and law is not any mere will of the prince, but that which is established by the advice of the counsellors, the King giving his authority, and deliberation being had upon it'.

Of supreme importance in parliamentary history was the reign of Edward I, the great legislator. Under him the institutions of our government advanced with a rapidity hitherto unmatched. Edward's first Parliament met in 1275 and enacted the first Statute of Westminster (q.v.), a just and enlightened measure safeguarding the rights and liberties of the subject. In 1285 was passed the second Statute of Westminster, an important landmark in the history of English law. But the climax in the constitutional history of the reign was reached in 1295 with the summoning of the celebrated Model Parliament (q.v.). It met on 13 November and was called because the King stood in urgent need of money. This Parliament became the model for all future Parliaments. It was the first truly representative assembly of the three estates of medieval society, the clergy, the barons, and the commons. It consisted of the 2 archbishops and all the bishops, the greater abbots, 8 earls, and 41 barons, all of whom received a separate summons; the head of each cathedral chapter, the archdeacons, 1 proctor from the chapter of each cathedral and 2 proctors from the parochial clergy of each diocese, all summoned through their archbishops and bishops; and 2 knights from each shire, 2 citizens from each city, and 2 burgesses from each borough elected by the county court in terms of a writ directed to the sheriff of each county. The national assembly was thus no longer a feudal court in which the qualification for membership was solely one of land tenure, and the Commons had arrived in Parliament to stay. The *Rotuli Parliamentorum* (see ROLLS OF PARLIAMENT) which began in 1278 first refer to the Commons in 1304. The King surrendered to the Model Parliament his power of arbitrary taxation and, although subsequently infringed, the parliamentary control of taxation became an accepted constitutional principle from that date. It is interesting to note at this stage the reluctance of the lower clergy to sit in Parliament with the laity, and in the 14th century they ceased to attend altogether. The Commons also showed very little eagerness to be represented in Parliament at the outset, little realizing (as little, indeed, as the King who summoned them) the potential power which was being placed in their hands. In 1382, nearly a century later, a statute was passed compelling the attendance of all who had been summoned, from dukes and archbishops to citizens and burgesses.

The political power of Parliament developed rapidly under the later Plantagenets. At a Parliament called by Edward II on 27 April 1309, the Commons presented to the King a prepared list of grievances which they insisted should be redressed before they would make any grant

of Supply. This condition, repeated in subsequent Parliaments, was fully established as a recognized principle before the 14th century had run half its course. In 1322 an important resolution of the three estates affirmed that legislation affecting the entire community should be approved by the representatives of all classes, legislative authority being vested in the King with the assent of the prelates, lords, and Commons assembled in Parliament. In 1327 Parliament recalled a power of the ancient Witenagemot by resolving on the deposition of Edward II in favour of his son. The Parliament was constitutionally summoned, the Great Seal having been obtained from the King, who was being held a prisoner, and the writs of summons issued under it. A deputation delivered Parliament's resolutions to the King, who surrendered the crown and sceptre in token of his resignation. The ensuing reign of Edward III was one of great constitutional development and marked a significant milestone in the history of Parliament in the separation of the two Houses. Since their first appearance in the national assemblies of the realm the knights of the shires, as landowners, had associated themselves with the barons. The greater landowners were distinguished from the lesser by the separate summons which they were entitled to receive, and the title of baron, which originally meant merely a man, came to be confined to the former class. The knights of the shires gradually drew apart from the barons and in the first Parliament of Edward III they threw in their lot with the representatives of the cities and towns. The union thus formed was strengthened by the withdrawal of the lower clergy, and from this time forward the Commons consisted of the knights, citizens, and burgesses sitting together. In the Parliament of 1332 the earls and barons, the prelates, and the Commons each deliberated separately, but the final division of Lords (including prelates) and Commons into two Houses dates from 1341. The necessities of Edward III greatly strengthened the position of Parliament and throughout the reign the two Houses were summoned annually and sometimes even more frequently. The calling of frequent Parliaments continued as a regular practice until the end of the reign of Henry VI.

The most important Parliament of Edward III was held in 1376, towards the end of the reign, and is usually referred to as the Good Parliament (q.v.). The work of this Parliament was a measure of the extent to which the parliamentary institution had advanced as a power in the realm. It set itself with great determination to the correction of abuses and the overthrow of corrupt ministers. From this Parliament comes the first recorded instance of an impeachment (q.v.) by the Commons before the Lords. The activities of the reformers were strongly supported by the Black Prince, a fact which undoubtedly gave a great advantage and incentive to the Good Parliament, but he unfortunately died while the work of reform was at its height and most

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of it was reversed the following year. The Commons of the Parliament of 1376 elected Sir Peter de la Mare as their spokesman, and although he was not technically the first Speaker (q.v.) he virtually acted as such. The first Speaker to be so styled, Sir Thomas Hungerford, was elected by the Commons in the Parliament of the following year, the last Parliament of Edward III.

Richard II, the son of the Black Prince, was eleven years of age when he came to the throne and during his minority Parliament played a great part in the actual government of the country, although the machinations of John of Gaunt made for neither a sound administration nor harmonious relations between Lords and Commons. The Commons successfully asserted their right to examine the public accounts and appropriate the supplies, a right which they allowed to fall into disuse after the reign of Henry IV but which was revived in the reign of Charles I and finally established as a constitutional principle in 1666. To meet an imminent threat of invasion Parliament sought to raise money by means of a poll tax, but when it failed to yield an adequate revenue the Commons, dissatisfied with the handling of the nation's finances, petitioned for the removal of the chief officers of state and the appointment of new ministers by Parliament. The King conceded the petition and after the new appointments had been made the Commons, when Parliament assembled in 1380, agreed to a Lords proposal that another poll tax should be imposed. It was this tax which precipitated the Peasants' Revolt of 1381, an insurrection which united the Lords and the Commons in a resolve to effect many necessary reforms and incidentally led to a decline in the power of John of Gaunt. From 1389 the King took over the government of the country personally and for some years he ruled constitutionally. Towards the end of his reign, however, he became a despot and thereby encompassed his own downfall. A subservient Parliament meeting at Shrewsbury in 1398 confirmed Richard as an absolute monarch, delegating its authority to a committee of 18 persons who were little more than creatures of the King. Seemingly secure in his power, Richard banished Thomas Mowbray, Duke of Norfolk, and Henry Bolingbroke, Duke of Hereford, in consequence of their mutual antagonism, and on the death of John of Gaunt, the latter's father, he seized upon the estates which should rightfully have been inherited by Bolingbroke. Returning to England to avenge the King's treachery Bolingbroke found an army of 60,000 ready to follow him, and thus encouraged he was emboldened to lay claim to the crown itself. The King on returning from a visit to Ireland found himself abandoned and with no alternative but to yield to Bolingbroke. Richard executed a formal deed of resignation which was accepted by a Parliament summoned to meet on 30 September 1399. In the course of a century Parliament had thus deposed two monarchs, a significant testimony to the power and in-



fluence which had accrued to Parliament since the reign of Edward I. The deposition of Richard II foreshadowed the mighty battle between Royal Prerogative and parliamentary sovereignty which was destined to be fought to a finish during the reigns of the Stuarts. The end of the 14th century and of the Plantagenet period coincided with the end of a distinct phase of parliamentary history. To this period can be traced the origin of the ceremonies connected with the Opening of Parliament (q.v.) and the Royal Assent (q.v.) to Bills, together with many salient features of parliamentary procedure such as the stages of a Bill (*see* BILL, PASSAGE OF).

Henry Bolingbroke was crowned Henry IV on 13 October 1399, fully acknowledging that the Crown was his by the will of Parliament and the nation. The first Sovereign of the House of Lancaster, his claim to the throne rested solely upon popular consent and he realized that his position depended upon the avoidance of any serious conflict between himself and the power which had made him. He thus reigned as a constitutional King and established the principle of governing through Parliament, the latter exercising an effective control over the executive. Parliament, and in particular the Commons, had never before been so strong as at this period, and over two hundred years were to elapse after the death of Henry IV before that strength was regained.

Reverting to matters of finance, the three estates had originally taxed themselves independently, but before the end of the 14th century Lords and Commons were making grants jointly. As the main burden of taxation fell upon the Commons it was agreed that they should be accorded precedence in financial matters, and a formula to that effect was adopted and first used in 1395. In 1407 the Commons objected to interference on the part of the King and the Lords in the granting of aids and supplies; they claimed that the right of initiating grants should rest solely with themselves, that no grant should be reported to the King until both Houses had agreed to it, and that the report should then be made by the Speaker of the House of Commons. The King accepted the claim of the lower House and an important constitutional principle was thus established. To this day the procedure relating to a Money Bill (q.v.) incorporates the traditional formalities begun in 1407. Having passed through both Houses, a Money Bill, unlike all other Bills, is returned to the House of Commons, and on the day it receives the Royal Assent it is carried up to the Bar of the House of Lords by the Clerk of the House of Commons, handed by the latter to the Speaker, who personally delivers it to the Clerk of the Parliaments, the officer responsible for pronouncing the words signifying Her Majesty's concurrence. (*See also* PRIVILEGE, FINANCIAL.)

In 1414, when Henry V had been on the throne one year, the Commons won another important concession for which they had

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been repeatedly pressing. In a famous petition, notable as the first in which the English language was employed, the Commons prayed that 'from this time forward there never be no law made and engrossed as statute and law, neither by addition nor diminution, by no manner of term or terms, the which would change the sentence and the intent asked'. The King in his reply undertook that 'from henceforth nothing be enacted to the petition of the Commons contrary to their asking, whereby they should be bound without their assent'. From this precedent the practice developed of sending up to the King ready-drafted statutes instead of petitions (q.v.). Throughout the 14th century the Commons had been petitioners rather than legislators, and although their concurrence to legislation had been required along with that of the Lords they had always played only a subordinate part in legislative proceedings. With the development of the new practice, which became fully established by the end of the reign of Henry VI, the Commons acquired a new and improved status. They drafted their own Bills, to which the King could either assent or dissent but which he could not amend, and the elevation of the Commons to the status of a legislative body was acknowledged in a new formula which placed the two Houses on an equal footing. Statutes were now enacted by the advice and consent of the Lords and Commons, and before the middle of the 15th century the significant words 'and by the authority of the same' were added to the formula. Thus, before the end of the Middle Ages, Parliament had become the legislative authority which we know to-day, although a very strong power was still reserved to the Sovereign in his right, frequently exercised for many years to come, to withhold his assent to measures which had been agreed to by both Houses. To this period may be traced the growth of both Public and Private Bills (q.v.).

During the Wars of the Roses Parliament became the instrument of the warring factions, and the overthrow of the House of Lancaster brought with it a temporary eclipse of the great Lancastrian constitutional principle of government through free Parliaments. In the reigns of Edward IV, Edward V, and Richard III constitutional progress was at a standstill, but in 1485 the advent of the Tudor dynasty heralded a new parliamentary era. Under the Tudors Parliament was restored to the position of sovereignty in which it had been confirmed by Henry IV, but the Tudors also established a strong and authoritarian monarchy, and although they governed through Parliament they saw to it that Parliament was always an instrument of the royal will, with the result that the power of Parliament was the power of the Sovereign. The Houses were only summoned when it suited the monarch's convenience to call them together, and the Tudor period is therefore one of infrequent Parliaments, although some of them lasted much longer than had previously been known. Henry VII summoned only

nine Parliaments in the twenty-four years of his reign, and of these the first was by far the most important. Henry's claim to the throne was a very disputable one, and he permitted very little time to elapse after his coronation on 30 October 1485 before calling a Parliament to confirm him in his royal title. The Parliament which met on 7 November was only too ready to comply with the new King's wishes and the Crown was settled upon him and his descendants. Henry nevertheless felt insecure in his new dignity, and although his marriage with Elizabeth of York united the red and white rose factions and diminished the threat of her House asserting its hereditary right, he yet sought further means of strengthening his possession of the Crown. The policy he followed was a wise one, one which recognized that the surest path to security lay in maintaining the King's popularity with the people. He took the precaution, however, of manipulating the constitutions of municipal corporations in order to bring them under his personal domination and thus destroy the independence of the boroughs. In many boroughs a system of close election was introduced for the purpose of returning burgesses to Parliament, thus ensuring the election of a large number of Crown nominees to the lower House of the legislature, which in turn was more readily subjected to the royal will. Henry VII left a stable throne to his successor and some have even gone so far as to designate him the refounder of the English monarchy.

Henry VIII succeeded to an eventful reign during which he augmented the power of the Crown to a degree which had never before been surpassed. Although he accepted and applied the principle that a King should rule through Parliament, so completely did he subordinate his Parliaments to his own will and authority that there has never been a reign before or since in which Parliament so consistently and unprotestingly carried out the bidding of the monarch. As we have already seen, the powers which Parliament had gathered unto itself over the centuries were by no means insignificant, and there existed a number of clearly recognized limitations upon the Royal Prerogative, but so great was the fear and respect with which Henry VIII was regarded that these powers were allowed to lie dormant while he occupied the throne. Yet in spite of the slavish obedience of Henry's Parliaments to their Sovereign the House of Commons was transformed during the reign (in the words of Froude) 'into the first power in the State under the Crown'. The most important Parliament of the reign was the Reformation Parliament (q.v.), in which the Commons wrested the initiative from the Lords and emerged for the first time as the more powerful of the two Houses. This Parliament gave effect to the great religious revolution upon which the King was determined, destroyed the parliamentary influence of the Church, curbed the power of the nobles, and ruthlessly

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crushed all the opponents of the new policy. Never before had such great and terrible things been attempted as were accomplished by the Parliaments of Henry VIII at the direct instance of the King. So pliable were these Parliaments that during the course of the reign one or another of them released the King from his obligation to pay his debts, allowed him to exact forced loans, declared him Supreme Head of the Church and denied the jurisdiction of the Pope, altered the succession in obedience to the royal command, condemned by Act of Attainder Anne Boleyn, Catherine Howard, Thomas Cromwell, the Duke of Norfolk, the Earl of Surrey, and others of whom the King desired to be rid, and altered the laws of treason to accord with his requirements. Henry VIII was a cruel monarch with many evil deeds to his discredit, yet he enjoyed the confidence of his subjects to such an extent that he could safely invest his House of Commons with a power never before wielded by the popular representatives and remain secure in the knowledge that his own supremacy and control would not be challenged.

Under the youthful Edward VI, who succeeded to the throne on 28 January 1547, the work of the Reformation was advanced, and the two Parliaments of the reign showed a strong and healthy independence. One of the greatest enactments of the period was the treason law which re-adopted the standards laid down in the famous statute of Edward III. The latter had long been accepted as providing a reasonable definition of the limits of the crime of treason, but these limits were greatly extended by Henry VIII. In amending the treason law Parliament proceeded with a Bill of its own in preference to one proposed by the government, an unmistakable indication of the fact that at this period the framing of statutes was recognized as falling within the exclusive jurisdiction of Parliament. The accession of Mary I in 1553 reversed the religious trend of the two previous reigns and the nation returned temporarily to the fold of the Roman Church. But although Mary's Parliaments did not resist the re-establishment of the Roman Catholic faith in England, they did not prove entirely tractable in other matters. Her first Parliament protested strongly against her proposed marriage with Philip of Spain, and the Speaker of the House of Commons received a wrathful rebuke from the Queen when he boldly urged her to marry an Englishman. The Commons also made it clear that they were opposed to the penalization of nonconformists. Mary's second Parliament, meeting in 1554, settled a controversial constitutional point when they passed a Royal Marriage Bill which declared that the Royal Prerogative could be exercised with equal validity by a male or a female Sovereign. Later in the same year the third Parliament of the reign, the Reconciliation Parliament (q.v.), provided the world with the humiliating spectacle of an abject surrender to the Church of Rome. But as the heresy statutes began to be enforced

and the fires of persecution commenced to blaze Parliament showed itself less inclined to be obliging. In 1555 Mary's fourth Parliament refused her a subsidy, and a Bill providing for the surrender of first fruits to the Pope was so bitterly opposed in the Commons that it only passed by a vote of 193 to 126. So intractable did this Parliament become that Mary dissolved it and sent several of its members to the Tower. Mary's fifth and last Parliament was not summoned until 1558, the year of her death. The reign of this unhappy and bigoted Sovereign was one of the blackest in English history, but it was followed by one destined to rank amongst the most glorious.

Before leaving the early history of Parliament reference should be made to its place of meeting and to the numerical composition of the two Houses. Although the Plantagenet Parliaments were often summoned to various provincial towns (York, Lincoln, Oxford, Gloucester, Marlborough, Shrewsbury, and Northampton amongst them), Westminster had always been the most usual meeting-place. As far back as the reign of Edward the Confessor Westminster was recognized as the home of the national assembly, but for the convenience of the monarch it was customary for Parliament to assemble wherever the King happened to be residing. As Westminster became the usual royal residence so it became the permanent and exclusive home of Parliament.

Until the reign of Henry VIII the spiritual peers were the more numerous body in the House of Lords. The temporal peers were originally few in number and seldom exceeded 50 in the 15th century. When the abbots and priors were expelled from the upper House by the Reformation Parliament the spiritual peers lost and never regained their preponderance of numbers. The Commons were always a more numerous body than the Lords. Some 275 Commons attended the Parliaments of Edward I and in the reign of Henry VI the average number was 300. Henry VIII added 27 members for Wales and 4 for the county palatinate of Chester. Mary I granted or restored the privilege of parliamentary representation to 14 boroughs which between them returned 25 members. In her first Parliament the lower House consisted of 430 members.

*See also* HOUSE OF COMMONS; HOUSE OF LORDS; PRIVILEGE; REPRESENTATION.

## PARLIAMENT ACTS, 1911 and 1949

The main purpose of these Acts is to restrict the powers of the House of Lords. Together they provide that a Money Bill (q.v.) which has passed the House of Commons may be presented for the Royal Assent (q.v.) after one month even though the consent of the Lords has been withheld, and that the delaying power of the Lords in respect of other Public Bills shall be limited to one year, after which time they

## **Parliament, Dissolution of**

may receive the Royal Assent notwithstanding the Lords' consent being withheld. A special enacting formula is provided for Bills presented for the Royal Assent which the Lords have refused to pass, running as follows:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Acts, 1911 and 1949, and by authority of the same, as follows:

The 1911 Act defines a Money Bill and requires that all Money Bills be endorsed as such by the Speaker before they are sent to the Lords. It also provides that 'nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons'. A further provision is the substitution of five years as the maximum period for the duration of a Parliament in place of the seven years provided by the Septennial Act, 1715. The 1911 Act conceded a delaying power of two years to the Lords which was reduced to one year by the 1949 Act.

The following extract from the preamble to the 1911 Act is of particular interest:

And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation:

It is hardly necessary to point out that this intention has not been fulfilled, but its expression in an Act of Parliament might be regarded as evidence of the strong feeling which existed against the House of Lords at the time on account of their rejection of the 1909 Budget. It was, of course, this action which brought about the Parliament Act, 1911.

## **PARLIAMENT, DISSOLUTION OF**

*See DISSOLUTION OF PARLIAMENT.*

## **PARLIAMENT, DURATION OF**

*See DURATION OF PARLIAMENT.*

## **PARLIAMENTARY AFFAIRS**

The quarterly journal of the Hansard Society (q.v.).

## **PARLIAMENTARY AGENT**

The person acting for the promoters of a Private Bill (q.v.) or the petitioners opposing such a Bill is known as a parliamentary agent. His is a specialized profession, and his function is to undertake all the

## Parliamentary and Scientific Committee

work involved in promoting or opposing a Private Bill and to look after the interests of his client.

A register of parliamentary agents is kept in the Private Bill Offices of the House of Commons and the House of Lords, and no person may style himself a parliamentary agent unless he is so registered. Parliamentary agents are very often solicitors, and before they are eligible for registration they must fulfil certain conditions, amongst which they must satisfy the Speaker and the Lord Chairman that they have practical knowledge of the Standing Orders and procedure of the House of Commons regulating Private Business. Any applicant for registration who is not a solicitor must produce a 'certificate of his respectability from a Member of Parliament, a Justice of the Peace, a Barrister, or a Solicitor'. No Member of Parliament or Officer of the House may practise as a parliamentary agent. The register is open to public inspection.

In 1949, the Speaker drew the attention of the House to the fact that certain persons were representing themselves as parliamentary agents without possessing the necessary qualifications. He referred to the rules on the subject, and stated that any person contravening them was liable to be dealt with by the House for a contempt. The rules relating to parliamentary agents are set out in full in Erskine May's *Parliamentary Practice* (16th ed., pp. 908-10).

## PARLIAMENTARY AND SCIENTIFIC COMMITTEE

A committee constituted in November 1939 and composed of about 200 members of all parties from both Houses of the British Parliament and the representatives of 100 scientific and technical institutions. The aims of the committee are:

(1) To provide Members of Parliament with authoritative scientific information from time to time in connexion with debates.

(2) To bring to the notice of Members of Parliament and government departments the results of scientific research and technical development which bear upon questions of current public interest.

(3) To arrange for suitable action through parliamentary channels whenever necessary to ensure that proper regard is had for the scientific point of view.

(4) To examine all legislation likely to affect the above and take such action as may be suitable.

(5) To watch the financing of scientific research.

(6) To provide its members and other approved subscribers with a regular summary of scientific matters dealt with in Parliament.

The committee meets once a month in a committee room of the House of Commons, the Chairman being selected from the party in power and the Deputy Chairman from the Opposition.

(Refer to *Parliamentary Affairs*, Vol. IX, No. 4.)

## Parliamentary Assistant

### PARLIAMENTARY ASSISTANT

. The Canadian equivalent of the British Parliamentary Secretary. Administrative duties in government departments became so burdensome during the Second World War that Parliamentary Assistants were appointed to 6 Cabinet Ministers. The practice was extended after the War and there are now 12 P.A.s. They receive \$4,000 in addition to the \$8,000 sessional and \$2,000 expense allowances drawn by all Canadian M.P.s.

### PARLIAMENTARY BAR

The parliamentary bar consists of the barristers who represent the parties concerned in promoting and opposing Private Bills (q.v.).

### PARLIAMENTARY COUNSEL TO THE TREASURY

The officer responsible for the drafting of Bills. The office was established in 1869 and its first occupant was Henry (afterwards Lord) Thring. The Parliamentary Counsel is an established Civil Servant and is provided with an assistant, known as Second Parliamentary Counsel, and a staff of draftsmen (q.v.). His salary is £4,500 per annum.

### PARLIAMENTARY DEBATES

Together with the Parliamentary History (q.v.) the Parliamentary Debates form a great legislative history of Great Britain and the United Kingdom from the Norman Conquest to the present day. They commenced in the year 1803, when William Cobbett began to include a report of parliamentary debates in his *Political Register*. From 1812 to 1890 they were published by the Hansard (q.v.) family and thus acquired the famous name by which they have become generally known.

The Parliamentary Debates consist of five series, as follows:

First Series: 41 volumes covering the 2nd to the 6th Parliaments of the United Kingdom (1803-20);

Second Series: 25 volumes covering the 7th and 8th Parliaments of the United Kingdom (1820-30);

Third Series: 356 volumes covering the 9th to the 24th Parliaments of the United Kingdom (1830-91);

Fourth Series: 199 volumes covering the 24th to the 28th Parliaments of the United Kingdom (1892-1908);

Fifth Series: The current series which commenced in 1909. In that year the publication of the Parliamentary Debates was taken over by the Government and became known as the Official Report. Since 1909, also, the Lords and Commons Debates



## Parliamentary Government

have been published separately. By the end of 1956, 562 volumes of Commons Debates and 200 volumes of Lords Debates had been published in this series.

The first continuous record of contemporary debates, from 1667 to 1694, was compiled by Anchitell Grey (q.v.), and published as Grey's Debates. For many years, however, Parliament regarded the publication of its proceedings as a breach of privilege, and twice during the 18th century (in 1738 and 1762) declared it as such. By the beginning of the 19th century Parliament had relaxed its attitude and even went so far as to reserve a part of the Public Gallery for the Press. Nevertheless, the reporting of parliamentary debates in the Press is still technically a breach of privilege, although neither House would to-day take exception to any fair and honest accounts of its proceedings.

Other compilers of parliamentary debates prior to Cobbett include Richard Chandler, Ebenezer Timberland, John Almon, John Debrett, Dr. Johnson, and William Woodfall (qq.v.). The Journals of Sir Simonds D'Ewes (q.v.) constitute a record, although not a contemporary one, of the proceedings of the Elizabethan Parliaments. His manuscript diary is the best authority for the debates of the early years of the Long Parliament (q.v.). Various other collections and diaries, including those of Rushworth, Somers, Hardwicke, and Burton, provide valuable records of the Parliaments of James I, Charles I, and the Commonwealth, and a number of manuscript records, including Sir Ralph Verney's *Notes of Proceedings in the Long Parliament*, have been published by the Camden Society. In 1956 the Library of the House of Commons compiled a bibliography of the Parliamentary Debates of Great Britain which was published by H.M. Stationery Office.

## PARLIAMENTARY DRAFTSMEN

See DRAFTSMEN.

## PARLIAMENTARY GOVERNMENT

The British Commonwealth Parliaments provide examples of the true parliamentary type of executive government—a Cabinet chosen from the political party commanding a majority in the legislature and responsible to that legislature for its actions. Parliamentary government is responsible government, as opposed to presidential government, where the head of the executive, the President, is not responsible to the legislature. Under the Cabinet system, the Government carries on the general administration of the country, with the help of Parliament, which help is expressed in a permanent and general control of governmental acts, destined to guarantee that the directing ideas which inspire the Government's policy correspond with the opinions

## Parliamentary History

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predominating in Parliament, and that control is made effective by the political responsibility of the Government before Parliament.

## PARLIAMENTARY HISTORY

A compilation of thirty-six volumes, begun by William Cobbett in 1806 and completed by J. Wright, which constitutes a legislative history of Great Britain and the United Kingdom from the Norman Conquest to the year 1803. It is the forerunner of the Parliamentary Debates (q.v.) which consist mainly of Hansard (q.v.).

The chief sources from which the Parliamentary History was compiled are the Old Parliamentary or Constitutional History of England, 24 volumes, which goes down to the Restoration; the Journal of Sir Simonds D'Ewes; the collections of Rushworth, Somers, and Hardwicke; the Debates of the Commons in 1620 and 1621; Chandler and Timberland's Debates, 22 volumes; Grey's Debates of the Commons from 1667 to 1694, 10 volumes; Almon's Debates, 24 volumes; Debrett's Debates, 63 volumes; and Dr. Johnson's Debates in Parliament.

Although not free from errors of detail, the Parliamentary History is a valuable work of reference.

## PARLIAMENTARY LABOUR PARTY

In 1906 the Labour Party (q.v.) secured 29 seats in the House of Commons, and this group organized itself into the Parliamentary Labour Party. The Chairman and Leader of the party is recognized as the Leader of the Labour Party not only in Parliament but also in the country, and he, the Vice-Chairman and Deputy Leader, and the Chief Whip are elected by the P.L.P. at the beginning of each parliamentary session when the party is in opposition. The Leader and Deputy Leader are *ex-officio* members of the National Executive Committee of the Labour Party, with which the P.L.P. may confer on the work or programme of the party. Also elected at the same time are 12 members who, with the 3 just mentioned, constitute the Parliamentary Committee. These members form the Shadow Cabinet (q.v.), and occupy the Opposition Front Bench when the party is on that side of the House, whether they are ex-ministers or not. Labour peers are members of the Parliamentary Party, and are free to attend its meetings, though they do not vote on matters of special concern to the Commons. A full-time Secretary and a small permanent secretariat are in charge of the party's business, and a set of Standing Orders (suspended from 1946 to 1952) regulates the conduct of members. These state that membership of the P.L.P. involves the acceptance of the decisions of the Party Meeting and the right of the party to withdraw the Whip (q.v.) on account of things said or done by members of the party in the House. Since 1944 the P.L.P. has established Subject and Area

Groups with their own chairmen and vice-chairmen. The Subject Groups meet to discuss matters within their terms of reference, e.g., education, foreign affairs, or nationalized industries, and the Area Groups questions affecting their regions.

### PARLIAMENTARY LIBRARIES

Even the smallest legislature in the Commonwealth has a collection of books for the use of its members, the Speaker, and the parliamentary staff, and all the more important Parliaments have magnificent libraries—in Australia the Federal Parliamentary Library has even developed into a National Library. In every country the making of new laws continues relentlessly, and as more matters are subjected to legislation, so the coverage of the parliamentary library must increase and its book stock expand. With the possible exception of science and technology, the fine arts and religion, there are very few subjects which have not been or could not be discussed by any Parliament in the Commonwealth. Even the exceptions mentioned have to be covered to a certain extent, especially in the reference section by year-books, glossaries, compendiums, and biographical dictionaries. Apart from the usual reference and information services provided for Members of Parliament, parliamentary libraries issue bulletins, lists of recent accessions, reading lists and statistical material on subjects of topical interest—in fact they make readily available any material which will help a member to compose a speech, a motion, or a question, or to answer a query from a constituent. In addition to performing these very vital functions, the parliamentary library is the natural repository of its country's parliamentary records and publications, including those papers and reports which by statute have to be laid before Parliament. The importance attached to the library of Parliament is shown by the rapid development in recent years of the House of Commons Library, which, as the result of a Report by a Select Committee in 1946, has increased its staff about fourfold since that date. Parliamentary libraries are not 'special libraries' as understood by librarians, but they must obviously possess special collections on parliamentary subjects and constitutional law and history and the laws of their own and other Commonwealth countries. They are also particularly interested in social and economic questions and in forming a general collection of books on their own territories—perhaps the best known of these being the famous Mendelssohn Library of Africana possessed by the Library of the South African Parliament.

### PARLIAMENTARY PAPERS

See BLUE BOOK; COMMAND PAPERS; HOUSE OF COMMONS PAPERS; STATUTORY INSTRUMENTS; WHITE PAPER.

### PARLIAMENTARY PENSIONS

See PENSIONS OF MEMBERS OF PARLIAMENT.

## Parliamentary Private Secretaries

### PARLIAMENTARY PRIVATE SECRETARIES

A minister appoints a Parliamentary Private Secretary (not to be confused with a Parliamentary Secretary) from among the Members of Parliament. He is often one of the younger back-benchers who shows promise of becoming a useful member of the party in office, and who thus acquires valuable experience of ministerial duties. He is able to advise the minister on the state of parliamentary opinion and the general feeling of the House regarding matters which concern his department. He is a valuable channel of information and contact with back-benchers, additional to the Whips (q.v.) and the Parliamentary Secretaries (q.v.), and if he is unable to satisfy them he can arrange interviews with the minister. The Parliamentary Private Secretary is unpaid, i.e., he receives only his salary as a Member of Parliament. The Select Committee on Offices or Places of Profit under the Crown recommended in 1941 the establishment of a convention that there should not be more than one Parliamentary Private Secretary for each department.

### PARLIAMENTARY PRIVILEGE

*See PRIVILEGE.*

### PARLIAMENTARY PROCEDURE

*See PROCEDURE.*

### PARLIAMENTARY REFORM

The movement for parliamentary reform developed as a serious political force in the middle of the 18th century. It received an impetus from the Earl of Chatham, whose enormous prestige gave great weight to any views expressed by him. In 1766 he described the borough representation as 'the rotten part of our Constitution' and declared that 'if it does not drop it must be amputated'. In 1770 he suggested that a third member should be added to each county 'in order to counter-balance the weight of the corrupt and venal boroughs' which were under the control of wealthy and powerful patrons. Chatham predicted that if Parliament did not reform itself from within it would be reformed with a vengeance from without. In 1776 the cause was taken up independently by John Wilkes (q.v.) and John Cartwright. Wilkes brought forward a scheme in Parliament to disfranchise the 'rotten' boroughs, enfranchise the populous towns of the Midlands and the North, and improve the county representation, and on 21 March he unsuccessfully moved for leave to introduce a Bill incorporating these principles. In the same year Cartwright founded the Society of the Supporters of the Bill of Rights, the first organized radical movement and the progenitor of many other radical institutions. In 1780 the Duke of

Richmond introduced a Bill in the House of Lords providing for universal suffrage, equal electoral districts, and annual Parliaments, proposals so sweeping and revolutionary that it is hardly necessary to add that their lordships rejected the Bill without a division. Two years later the younger Pitt took up the issue when he moved for a committee of inquiry on the state of the representation, pointing out amongst other anomalies that the Nabob of Arcot, as patron of several boroughs, had seven or eight nominees sitting in the House. His motion was rejected, as were his further resolutions, introduced in the following year, directed against bribery and corruption at elections and proposing an increase in the county representation and that of the capital. The short-lived Rockingham ministry of 1782 eliminated two serious electoral abuses by disqualifying government contractors from membership of the House of Commons and disfranchising revenue officers. There were many boroughs where revenue officers had controlled the voting, as, for example, in Bossinney where the electorate was reduced to a single voter after they were rendered ineligible. In excluding government contractors from the House the Government struck at a particularly odious form of bribery whereby persons had secured contracts in exchange for their votes in Parliament.

Pitt's last effort in the cause of parliamentary reform was made in 1785, shortly after he became Prime Minister. He sought leave to introduce a Bill which proposed to disfranchise 36 'rotten' boroughs and to distribute the 72 members which they returned among the counties and the capital, the enfranchisement of copyholders in the counties, and the redistribution of a number of other seats in order to give representation to the more populous towns. The one distasteful feature of the Bill was the provision it made for the compensation of the proprietors of disfranchised boroughs, a grave sacrifice of principle. The Bill was thrown out nevertheless, and Pitt did not again champion the popular cause. In 1790 a member named Flood moved for the amendment of the representation by the addition of 100 county members, and Pitt, whilst expressing his sympathy for the proposal, withheld his support from it.

In 1792 the Society of the Friends of the People was formed, an association which had for its object the promotion of parliamentary reform. The society numbered among its leaders Grey and Erskine, the exponents in Parliament of the new and growing radicalism. In 1793 the Friends of the People claimed to have proved that 200 Members of the House of Commons were returned by towns with less than 100 electors and that 357 members were returned by 154 patrons. Armed with these facts Grey introduced a motion for reform accompanied by a petition exposing the disgraceful state of the representation. The time was far from opportune for a reformer, however. The excesses of the French Revolution had caused widespread alarm among the

## Parliamentary Reform

property-owning classes in Britain and there was a definite tendency to identify an advocate of reform with an apostle of violence. Furthermore, the parliamentary Opposition had disintegrated following the rupture between Burke and Fox, and Grey's motion was decisively rejected. In 1797 Grey attempted to bring in a Bill based upon his resolution of four years earlier. It proposed to increase the county representation, to extend the franchise, and to introduce a uniform electoral qualification; in fact it anticipated the great measure which Grey was destined to carry thirty-five years later, but on this occasion it was rejected by a large majority. A number of other political associations came into being during this period including the London Corresponding Society, the Society for Constitutional Information, the Revolution Society, and the Societies of United Englishmen, Scotsmen, and Irishmen. Some were unquestionably extreme in their policies and were totally repudiated by the Society of the Friends of the People. All such organizations were suppressed under the repressive programme of legislation embarked on by Pitt's Government during the final decade of the 18th century in consequence of its fear of public disorder.

For a number of years activity in the interest of reform suffered a decline and no noticeable progress was made until Lord John Russell emerged as its advocate in 1820, from which date the Whigs, under the leadership of Grey, became definitely pledged to the cause. In the intervening years the doughty and ardent campaigner, Sir Francis Burdett, who had been returned to Parliament in 1807, conducted an unequal struggle on behalf of parliamentary reform. In 1818 he proposed the introduction of universal male suffrage, equal electoral districts, voting by ballot, and annual Parliaments, but he could not muster a single supporter for his resolutions in the Division Lobby. A further motion by Burdett in the following year, proposing merely to consider the question of reform, was rejected by a substantial majority.

During the reign of George IV the reform movement gathered strength, but as a substantial majority in both Houses of Parliament remained opposed to any change no practical advance was achieved beyond the disfranchisement of the notoriously corrupt borough of Grampound and the assignment of its two members to the county of York. The Bill for this purpose was twice carried through the House of Commons by Lord John Russell in 1820 and 1821 and had originally proposed that the two vacant seats be allocated to the unrepresented town of Leeds, but the amendment substituting the county had been accepted in the upper House. A motion by Lambton, afterwards Lord Durham, proposing to abolish the borough representation and to substitute a system based on a division of the counties and to extend the franchise to every householder, was rejected by the House of Commons in 1821. In 1822 Russell introduced a resolution calling for consideration of the state of the representation which was defeated

by a majority of 105. The same resolution repeated in 1823 and 1826 was negatived by even heavier majorities. Attempts by Russell and others to strike at bribery, to disfranchise corrupt boroughs, and to enfranchise the densely populated towns all met with a similar fate. In the sessions of 1829 and 1830 the Marquis of Blandford and Daniel O'Connell distinguished themselves by their reforming zeal. A motion by the former condemning the practice of patronage was supported by a most disheartening minority, and O'Connell fared even worse with his motion in favour of the ballot, universal suffrage, and triennial Parliaments, for which he could muster only 13 votes against 319. A motion by Russell in 1830 calling for an extension of the basis of the representation was lost by 213 to 117, Sir Robert Peel remarking during the course of the debate that he considered the voice of the people to be already sufficiently heard in the House of Commons.

Yet in spite of the formidable opposition of the reactionary majority in Parliament the feeling throughout the country was intensely in favour of reform. In 1830 the fulfilment of the reformers' object was far closer than they themselves can have realized. Shortly after the accession of William IV, the Prime Minister, the Duke of Wellington, sealed the fate of his Tory Government when he unwisely declared that 'the legislature and the system of representation possessed the full and entire confidence of the country'. On the same day Brougham gave notice that he intended to raise the question of the representation, and a few days later the Government was defeated on a motion for a committee of inquiry into the Civil List. The Government resigned and Earl Grey formed a Whig administration pledged to secure the reform of the House of Commons. Considerable difficulty remained to be overcome, however, before the celebrated Reform Bill passed both Houses in 1832.

*See also* REPRESENTATION; WILLIAM IV AND PARLIAMENT.

## PARLIAMENTARY REGISTER

*See* ALMON, JOHN.

## PARLIAMENTARY SALARIES

*See* APPENDIX 2.

## PARLIAMENTARY SECRETARIES

All Ministers of the Crown (q.v.), with the exception of those who control no department, have one or two Parliamentary Secretaries to assist them—or in the case of Secretaries of State (q.v.) they have Under-Secretaries of State. As well as helping their ministers in their parliamentary work and deputizing for them, they are accessible to members who seek information or wish to make representations or complaints, and many such matters are dealt with on the Parliamentary

## Parliamentary Under-Secretaries of State

Secretaries' own responsibility. They are selected by the Prime Minister, in consultation with the minister concerned, and as they are not appointed by the Sovereign they are Junior Ministers but not Ministers *of the Crown*. If the minister is a peer it is usual for his Parliamentary Secretary to be a Member of the House of Commons, and sometimes—there have been two cases recently—a minister in the Commons has his Parliamentary Secretary, or one of them, in the House of Lords. In 1952 Lord Lloyd was appointed Parliamentary Under-Secretary of State for Welsh Affairs under the Home Secretary. As Junior Ministers the Parliamentary Secretaries must accept the doctrine of collective responsibility, and a Parliamentary Secretary to the Ministry of Food was required to resign after making a public statement on agriculture which conflicted with Government policy. Herbert Morrison's *Government and Parliament* contains a 'Parliamentary Secretaries' Charter' which suggests that Parliamentary Secretaries should be allowed to play a bigger part in the administration of their respective ministries. A Parliamentary Secretary's salary is £2,500 a year plus £750 as a Member of Parliament. In the other Commonwealth countries Canada appoints Parliamentary Assistants, New Zealand Parliamentary Under-Secretaries, and India Deputy Ministers. Since 1956 the Government of the Federation of Rhodesia and Nyasaland has appointed two Parliamentary Secretaries from among the members of the Federal Assembly.

## PARLIAMENTARY UNDER-SECRETARIES OF STATE

See PARLIAMENTARY SECRETARIES.

## PARLIAMENT OF BATS

The name given to the Parliament of 1426, when members came armed with bats and clubs in consequence of a ban upon the carrying of more deadly weapons.

## PARLIAMENT OF WHITE BANDS

A Parliament held at Westminster on 15 July 1321, which was attended by a discontented faction wearing 'odd party-coloured habits yellow and green, with a white band across their breasts'.

## PARTY SYSTEM

The position to-day whereby political parties organize themselves in order to further their own plans and ideas of government is accepted by democratic countries without much question. Not only does a party hold itself in readiness to take over the reins of government but it continually strives to influence the policy of the party in power. The origins of the party system lie far in the past, and even before a representative Parliament had arrived there was a party which strove to influence the party in power, i.e., the King. The King and his counsel-



lors were in effect the party permanently in power, and the prominent nobles who became the chosen counsellors were in effect the Government. Since the characters of kings varied, it followed that at certain times the opposing factions were more active and perceptible when a weak king was on the throne, and naturally on the succession of a minor the rivalry between various groups was accentuated. The first recognizable political parties were produced by the Civil War, and the Cavaliers and the Roundheads became the Tories and the Whigs respectively. These party names were first used in 1679.

Under Charles II the Tory party supported the King, and for a while the combination was successful. But the question of the succession of a Roman Catholic King broke the ranks of the Tories, and although the names Whig and Tory persisted, it cannot be said that a consistent policy was a characteristic of either party. By the 18th century parliamentary power and influence had increased, but still the name Whig or Tory labelling a member gave no certain idea of his sympathies or of his likely course of action. It was popular to suggest that political factions were venal self-seeking conspirators, and that few Members of Parliament had a sense of duty to the people they were supposed to represent and the country whose destinies they were helping to guide. The original Tory party suffered eclipse in 1714, and for most of the 18th century the country was ruled by Whig Governments.

The beginning of the 19th century brought signs of change. Parties were apt to be called after their leaders, and the Canningites and Pittites were more definite in their policies and ideas. The Reform Act of 1832 which extended the franchise is the first great landmark in the history of the British party system, and it is with that Act that parties in the modern sense of the term, with recognizable principles and more stable policies, began.

The number of parties forming a Government varies from the single party, popular in totalitarian states, to the multi-party system of France. For all practical purposes Great Britain has always had a two-party system, whether it was Whigs and Tories, Liberals and Conservatives, or Conservatives and Labour. The rise of the latter party at the beginning of this century might have produced a three-party system, but the two-party system triumphed in the end with the elimination of the Liberals or their absorption by the Conservatives. Australia has three parties, but South Africa and New Zealand have reduced theirs to two, and although Canada has four main parties, at the last election the Liberals and Conservatives held four times as many seats as the other parties. There is therefore a tendency towards dualism in Canada as well. As M. Duverger points out in his *Political Parties*, the natural movement of societies tends towards the two-party system. It seems to correspond to the nature of things, i.e., political choice usually takes the form of a choice between two alternatives.

## Patronage Secretary

There is no doubt also that parliamentary government works best under this system. Its stability is assured because when either party falls from power, the opposing party accedes to it. The leaders of the party out of office are the prospective leaders of the alternative Government, and the Opposition (q.v.) itself is a part of the machinery of government. Although the multi-party system may be able to reflect from the electorate more shades of opinion, no party can expect to have an absolute majority of its own, and has to rely on the support of other parties to form a Government. There are several alternative Governments which may take the place of one which is defeated—the certainty of the two-party system disappears and, as experienced in France in recent years, Governments tend to be less stable and shorter-lived.

However, as MacIver says in *The Modern State*, in any event the advantages and disadvantages of the two and multi-party systems are relative to the intelligence and culture of the community. The essential thing is that government should rest on as broad a basis of opinion as possible, maintaining, in spite of its party character, the unity of a whole people.

(Further reading: Bulmer-Thomas, *The party system in Great Britain*, 1953; Hansard Society, *The British party system*, 1952; McKenzie, *British political parties*, 1955.)

## PATRONAGE SECRETARY

See WHIPS.

## PAYMASTER-GENERAL.

In Great Britain the public revenue is paid into the Bank of England to the credit of the Exchequer, and an order under the Royal Sign Manual countersigned by two Lords of the Treasury directs the Treasury Commissioners to transfer sums granted by the Consolidated Fund Acts (q.v.) or the Appropriation Act (q.v.) to the credit of the various government departments. The Treasury Commissioners also send an authority to the Comptroller and Auditor General (q.v.) who directs the Bank to transfer the money to the account of the Paymaster-General, who then pays it over to the appropriate departments. After 1835 the offices of Paymaster-General of the Forces and Treasurer of the Navy were combined in the office of Paymaster-General. The Paymaster-General's appointment is a political one, and as his powers are delegated to the permanent staff of the Pay Office and his Treasury duties are insignificant, he is entrusted by the Prime Minister with some special function. For instance, in the Conservative Government formed in 1951 Lord Cherwell became Paymaster-General with the exceptional status of Cabinet membership. He was put in charge of atomic energy development and directed the Prime Minister's Statistical Section.

The salary of the Paymaster-General is £3,750 per annum, and he

is entitled to a further £750 if he sits in the House of Commons. If a member of the Cabinet he draws the salary of a senior minister, £5,000. A chronological list of the holders of this office appears as Appendix 24.

## PAYMENT OF MEMBERS

As far back as the 13th century the representatives of the shires, cities, and boroughs, were remunerated for their attendance at Parliament, knights receiving four shillings a day and citizens and burgesses two shillings a day for the duration of the Parliament. By resolution of the House of Commons the payment of members ceased in 1677, and Andrew Marvell was reputedly the last person to receive a parliamentary salary at this time. Membership of Parliament remained an unpaid occupation until 1912, when, by a resolution passed the previous year in the face of substantial opposition, Members of the House of Commons became entitled to draw a salary of £400 a year. In 1937 this salary was increased to £600, remaining at this figure until 1946 when the House of Commons voted that the salaries of its members should be raised to £1,000. A Select Committee reporting in 1954 recommended a further increase of £500, a recommendation which was endorsed by a majority of the House of Commons, but the Government declined to implement it. However, in order to relieve the financial difficulties suffered by some members, the Government agreed to the introduction of a sessional allowance of £2 a day for each day the House sits, Fridays excepted. In July 1957 the Prime Minister announced in the House of Commons a proposal to pay members an annual allowance of £750 instead of the £2 a day sessional allowance which had amounted to about £280 a year. A member's basic salary remains at £1,000 but he is liable for income tax on his total emoluments of £1,750. It was announced at the same time that peers, who had previously drawn neither salaries nor allowances, would in future be paid a tax-free expense allowance of three guineas for each day's attendance, but ministers sitting in the House of Lords would not be entitled to this allowance in addition to their salaries. Salary increases were also proposed for all senior ministers sitting in the House of Commons, all Parliamentary Secretaries, the Leader of the Opposition, the Speaker, the Chairman of Ways and Means and Deputy Chairman, the Lord Chairman, and the Comptroller and Auditor General (qq.v.). The legislation giving effect to these increases was agreed to without dissent.

*See also* Appendix 2 for Members' Salaries in other Commonwealth countries.

## PEACE TOWER, OTTAWA

The dominating feature of Canada's Parliament Building, this campanile is 300 feet high and contains a carillon of 53 bells ranging

from 10 pounds to 10 tons. The four dials of its clock are 15 ft. 9 in. in diameter, the hour hands  $6\frac{1}{2}$  feet long, the minute hands 9 feet, and its chime is the same as Big Ben's in the clock tower of the British Houses of Parliament. Like this tower it also shows a light when Parliament is sitting. The cornerstone of the Peace Tower was laid by the Prince of Wales (now Duke of Windsor) in 1919, the original tower having been destroyed by fire in 1916. The inscription on the stone, 'This stone was laid by Edward Prince of Wales, Sept. 1st, in this year of victory. FINIS CORONAT OPVS', gives the 'year of victory' if all the letters representing Roman numerals are added together.

## PEERS

The grades in the British peerage are, in ascending order, baron, viscount, earl, marquess, and duke (see under these headings). The word *pares*, from which the word peers is derived, came into use during the 14th century, and merely meant equals. It was a very early principle of law that a man should be tried by his equals, and thus a man's *pares* came to mean those who, standing on the same level as himself, were competent to be his judges. In spite of a long struggle for their own courts of law, the barons only succeeded in establishing that lords should be tried by lords for the crimes of treason and felony. It was this privilege which helped to define a class of *pares*, who in feudal times were tenants-in-chief of the Crown and the peers of one another. This ancient right of trial was finally surrendered by the peers themselves, who were responsible for inserting the words 'privilege of peerage in relation to criminal proceedings is hereby abolished' in the Criminal Justice Act of 1948. Lord de Clifford was the last to be tried, for manslaughter, by his peers in 1935. Peers and peeresses, however, enjoy other privileges attached to their rank, such as exemption from serving on juries, and peers who sit in the House of Lords also possess privileges as Members of Parliament. Peeresses may not sit in the House of Lords, and if peeresses in their own right they may not sit in the House of Commons. The Lords enjoy rights and exercise functions in five distinct characters: (1) They possess titles of honour which give them rank and precedence; (2) They are, individually, hereditary counsellors of the Crown; (3) They are, collectively, together with the Lords Spiritual, when not assembled in Parliament, the permanent council of the Crown; (4) They are, collectively, together with the Lords Spiritual, when assembled in Parliament, a court of judicature; (5) They are, conjointly with the Lords Spiritual and the Commons, in Parliament assembled, the legislative assembly of the Kingdom, by whose advice, consent, and authority, with the sanction of the Crown, laws are made. Magna Carta ordained that the archbishops, bishops, earls, and greater barons should be summoned to the Council by writ, and although the development of the hereditary

## Pensions and National Insurance, Minister of

principle in connexion with the peerage is rather obscure, a peer once summoned might continue to receive the writ to attend further meetings of the Council, although this did not necessarily follow, and on his death it could be transferred to his heir. The creation of peers by writ of summons has for a long time been discontinued in favour of creation by letters patent, except in the case of the eldest sons of dukes, marquesses, and earls, on attaining their majority, in respect of their fathers' baronies. This, however, does not involve the creation of a new barony.

When a new peer is introduced in the House of Lords he is sponsored by two peers of the same rank as himself. During the ceremony it is customary for the new peer and his sponsors to rise three times, each time raising their hats, to the Lord Chancellor. The origin of this custom is obscure, but according to Lord Halifax (*Fulness of Days*, 1957) two possible explanations have been advanced for it. The first suggests that it was intended as a salutation to the three Persons of the Blessed Trinity; the second that it originated as a courtesy acknowledgment of the three earliest orders of the peerage.

The peerage consists of five classes or creations—those of England, Scotland, Ireland, Great Britain, and the United Kingdom. All peers of England, Great Britain, and the United Kingdom have seats and votes in the House of Lords, and if they hold an equal or superior rank in the peerage of Scotland or Ireland they still have seats and votes in the House by virtue of what may be an inferior rank. The right to create new peers is a Royal Prerogative (q.v.), although it may now be used only in respect of the United Kingdom and Ireland. No Irish peerages have been created since 1898 when Lord Curzon was given an Irish barony. Peers of Scotland and Ireland send representatives who are chosen for each new Parliament, although no Irish peers have been chosen since the formation of the Irish Republic. Irish peers who are not representative may sit in the House of Commons for other than Irish constituencies (e.g., Earl Winterton), but Scottish peers may not. Nine Judges of Appeal may be appointed with the rank of baron for life, and the 2 archbishops and 24 English bishops have seats in the House of Lords not as peers but as Lords Spiritual of Parliament.

*See also* HOUSE OF LORDS; LIFE PEERS; LORDS SPIRITUAL; LORDS TEMPORAL; REPRESENTATIVE PEERS.

## PENSIONARY PARLIAMENT

*See* CAVALIER PARLIAMENT.

## PENSIONS AND NATIONAL INSURANCE, MINISTER OF

Created in 1953, the first Minister, Osbert Peake, replaced the Minister of Pensions and the Minister of National Insurance and combined their departments into one Ministry. This minister is thus

## Pensions, Minister of

responsible to Parliament for all service and civil pensions and the administration of National Insurance Schemes. He is not usually a member of the Cabinet. The Minister's salary is £5,000 and that of his two Parliamentary Secretaries £2,500 each. All three are entitled to an additional £750 if they sit in the House of Commons.

## PENSIONS, MINISTER OF

His department was created in 1916 to take over the duties of the Admiralty, the Army Council, and the Commissioners of Chelsea Hospital in relation to war pensions, and the Minister's duties were increased by the creation of the Royal Air Force and the outbreak of the Second World War. The War Pensions Acts, 1919-21, set up Appeal Tribunals, but these are now governed by the Pensions Appeal Tribunals Acts of 1943 and 1949. In 1953 the Pensions and National Insurance Departments were combined under one Minister, Osbert Peake, who was thus made responsible for both service and civil pensions.

A chronological list of holders of this office appears as Appendix 25.

## PENSIONS OF MEMBERS OF PARLIAMENT

In the United Kingdom the only Member of the House of Commons entitled to a pension as a right is the Prime Minister, who is paid £2,000 a year on his retirement, but this is not payable while he is in receipt of a pension under the Political Offices Pensions Act, 1869. Ex-ministers may apply for a pension under this Act if their office carried a salary of not less than £5,000, but they must make a declaration of income. The arrangements for the payment of pensions to members in certain Commonwealth Parliaments are outlined below:

*United Kingdom.* The House of Commons Members' Fund Act of 1939 established a fund, to be administered by Trustees appointed from and by the House of Commons, from which pensions could be paid to retired members and their dependents. All members paid £12 a year into the fund, and a pension could bring a retired member's income up to £250 a year, but could not exceed £150 a year. An amending Act was passed in 1948 increasing the maximum award to £250 p.a. for ex-members whose income, including it, could not exceed £325. In November 1955 the House passed a resolution increasing the retired allowance to £300 if the member's total income would not then exceed £375. Widows and widowers of ex-members receive up to £180 a year to bring their total income to £250.

*Canada.* Members pay 6% of their parliamentary salary (sessional indemnity) to an account in the Consolidated Revenue Fund known as the Members of Parliament Retiring Allowances Account, to which the Government pays a sum equal to the contributions of members. The allowance in the case of ex-members who have served in more than two

Parliaments is an annual sum equal to 75 % of their total contributions, while those with less service withdraw their total contributions in a lump sum. The Members of Parliament Retiring Allowances Act was passed in 1952 and an amending Act in 1955.

*Australia.* The Parliamentary Retiring Allowances Trust was established in 1948 to administer a pension fund for ex-members. While serving a member pays £A234 p.a. into the Fund, and the Commonwealth Government contributes towards the pensions paid out. An ex-member 45 years old with eight years' service (twelve if he retires voluntarily) is entitled to a pension of £A12 a week, and of this amount the Government pays 60%. A member's widow receives £A10 a week, the same proportion being contributed by the Government. Prime Ministers have an additional pension of £A1,200 if they have served for two years continuously, or for separate periods amounting to not less than three years. The Parliaments of New South Wales, Victoria, Queensland, South Australia, and Western Australia also operate pension schemes for their members.

*New Zealand.* The Superannuation Act of 1947, amended in 1955, introduced a contributory scheme for Members of the House of Representatives which provides a minimum retiring allowance of £350 p.a. for a member with nine years' service, the allowance increasing by £50 p.a. for every year's service in excess of that period until a maximum of £700 p.a. is reached after fifteen years' service. A member must be 50 years old before he qualifies, on ceasing to be a member, to receive the allowance. The compulsory annual contribution is £85. A member's widow receives two-thirds of the pension to which her husband was entitled at the time of his death.

*South Africa.* Members and Senators pay £6 a month under the Parliamentary Service Pensions Amendment Act of 1956 which entitles them to a pension of £375 p.a. (payable at the age of 50 from revenue) after ten years' service and £37 10s. extra for each completed year in excess of ten, the maximum pension payable being £750. An ex-Prime Minister receives a pension of £2,000, and the Speaker and Deputy Speaker, the President of the Senate, Ministers, Leader of the Opposition, and the Chairman and Deputy Chairman of Committees of the Senate receive extra amounts varying from £50 to £150 p.a. for each completed year in their respective offices. Widows receive half the pension to which their husbands were entitled.

## 'PEOPLE'S BUDGET'

Introduced by Lloyd George in a 4½-hour speech in the House of Commons in 1909 with the object of raising the extra funds needed for old-age pensions and other intended reforms. It introduced super-tax, but it was the proposals for land taxes that aroused the most controversy. The Conservative opposition to the passage of the ensuing Finance

## Personal Acts

Bill through the House was intense and fierce and seventy parliamentary days were needed, during which there were 554 divisions, before the Bill passed its third reading. It was rejected by the House of Lords by 350 votes to 75, and an immediate dissolution of Parliament followed, as no Government could continue when the legislature had refused Supply. Although the 'People's Budget' was abortive, it resulted in a curtailment of the power of the House of Lords by means of the first of the Parliament Acts (q.v.) passed in 1911.

## PERSONAL ACTS

*See* PRIVATE ACTS.

## PERSONAL BILLS

*See* PRIVATE BILLS.

## PERSONAL EXPLANATION

A statement made by a member before the commencement of Public Business, permission having previously been obtained from the Speaker, explaining his conduct in regard to a particular question or occasion, replying to an accusation made by another member, or correcting an alleged misrepresentation. No debate should follow, and general arguments or too distinct a reference to previous debates are out of order. The Speaker of the House of Commons himself made a personal statement on 11 December 1947, when he apologized for having treated a member unfairly.

## PETITION OF RIGHT

A declaratory statute asserting the rights and liberties of the subject which was passed by both Houses of Parliament in 1628. Commencing with a recital of past statutes which had secured these rights and liberties, and of recent violations of those laws, the Petition besought the King 'that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge without common consent by Act of Parliament; that none be called to answer or take such oath, or to give attendance, or be confined or otherwise molested or disquieted concerning the same or for refusal thereof; that no free-man in any such manner as is before mentioned be imprisoned or detained; that Your Majesty would be pleased to remove the said soldiers and marines, and that your people may not be so burthened in time to come; that the aforesaid commissions for proceeding by martial law may be revoked and annulled; and that hereafter no commissions of the like nature may issue forth to any person or persons whatever, to be executed as aforesaid, lest by colour of them any of Your Majesty's subjects be destroyed or put to death contrary to the laws and franchises of the land.'



The Petition of Right has been regarded by many historians as the greatest constitutional milestone since Magna Carta. In prohibiting arbitrary imprisonment and unparliamentary taxation it was directed against the two most consistent abuses of the prerogative, but a deeper significance underlay the prohibition of martial law in peacetime and the billeting of soldiers. The contemporary soldier was more often than not a brutal ruffian drawn from the criminal classes, and the compulsory billeting of such persons upon the ordinary citizen was a terrible infliction. Martial law not only empowered the King to form a peacetime army completely subject to his will but enabled him forcibly to recruit the outcasts of society into his armed forces. The restriction thus aimed at removing an intolerable burden from the people.

The King at first returned a characteristically vague and evasive reply to the Petition, but under the pressure of popular opinion he gave his assent in the customary form, *Soit droit fait comme est désiré*, on 7 June 1628.

*See also* CHARLES I AND PARLIAMENT.

## PETITIONS

The right of petitioning the Crown and Parliament for redress of grievances is acknowledged as a fundamental principle of the Constitution. In considering the history of the petition it should be realized that law originated as unwritten custom and as such could not be changed. The petition was the innovation of Edward I and provided a method of seeking redress from the King by virtue of his prerogative power where none could be sought through the ordinary course of law. The prerogative power being above the law thus established precedents. The grants of favours and rights to individuals and communities were in the nature of private laws, while the grant of a petition on behalf of the realm as a whole would make a public law.

From the reign of Edward I, the Commons appointed a Committee of Grievances at the commencement of each Parliament, and the King, or the Lord Chancellor on his behalf, nominated Receivers of Petitions together with auditors called Triers. The function of the Receivers was to examine petitions to make sure they complied with certain forms and were properly addressed, while the duty of the Triers was to 'try out whether the remedies sought for were reasonable and fit to be propounded'. In 1740 a motion to discontinue the appointment of Receivers and Triers was introduced into the House of Lords but was defeated. Although they had long ceased to serve any purpose these officials continued to be appointed at the commencement of every Parliament until 1886.

During the reign of Edward I the volume of petitions greatly increased, and by 1280 they had become too numerous for the King

## Petitions

and his council to deal with. Consequently they were divided into five groups, and it was provided that 'all petitions which concern the seal shall come first to the Chancellor; and those which touch the exchequer to the exchequer; and those which concern the justices and the law of the land to the justices; and those which concern the Jews to the justices of the Jews; so that the King and his council may, without the load of other business, attend to the great business of the realm, and of other foreign countries'. The fifth group, which was dealt with by the King himself, contained only those petitions 'which are so great or so much of grace that they are to come before the King'. Petitions of the more general kind resulted in decisions which in effect created laws or statutes.

As the Commons developed as an independent body, so petitions came to be presented by them affecting matters of national interest. The first petition recorded as being presented by the Commons was that of 1327, consisting of forty-one articles and dealing with various matters. This might well be regarded as the first Public Bill (q.v.) although to-day each individual matter would be embodied in a separate Bill. Thus petitions concerning the nation as a whole came to be separated from those of a purely personal or local nature.

The modern form of petitions was evolved in the 17th century. In these days they usually deal with public grievances and seldom seek redress of private injustices. The rights of petitioners and the power of the House to deal with petitions were laid down by two resolutions of the Commons in 1669:

That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in the case of grievance, and the House of Commons to receive the same.

That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.

Petitions are no longer addressed directly to the Crown, but to one of the two Houses of Parliament, and petitioners are required to observe a prescribed form in drawing up their petitions. Petitions to the House of Lords should be superscribed, 'To the right honourable the Lords Spiritual and Temporal in Parliament assembled', and to the House of Commons, 'To the honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.' A general designation of the parties to the petition should follow, and if there be one petitioner only, his name after this manner: 'The humble petition of (name or other designation) sheweth.' The substance of the petition follows, concluding with the 'prayer' which expresses the object of the petition. To the whole petition are generally added the words, 'And your petitioners, as in

duty bound, will ever pray, &c.', to which are added the signatures of the petitioners.

A petition should be hand-written on parchment or paper, and will not be received if printed or typewritten. Many other conditions need to be observed: for instance, a petition must be free from interlineations or erasures; it must have no letters, affidavits, or other documents attached to it; it must be in the English language, or accompanied by a translation which the member who presents it states to be correct; it must bear original signatures or marks, except in the case of incapacity or illness when it is permissible for another person to sign on behalf of the petitioner; and each sheet must be headed by the prayer, which may be reproduced in print or by other mechanical process on every sheet after the first. A petition must be respectfully worded and free from language offensive to the Sovereign, to Parliament, the courts of justice, or other constituted authority.

Foreigners who are resident in the country are entitled to present a petition as well as British subjects. The petition of a corporation may be presented under the common seal of the corporation. The Corporation of the City of London enjoys the privilege of presenting petitions directly at the Bar of the House through its sheriffs. The last occasion on which this privilege was exercised was in 1948 when the corporation petitioned against the abolition of the separate constituency of the City of London. The City of Dublin formerly enjoyed a similar privilege, exercised on its behalf by the Lord Mayor. Petitions from all other persons or bodies are presented to Parliament by a member of the House to which they are addressed (except in the case of a petition on a Private Bill), but a member cannot be compelled to present one. A member who has not taken the oath or made affirmation may not present a petition, and neither, according to established usage, may the Speaker of the House of Commons do so. The manner of presentation differs in the two Houses. In the House of Lords a peer may comment upon a petition at the time of presentation and a debate may ensue. In the House of Commons discussion of public petitions was abolished in 1842. A member presenting a petition is permitted to make a brief statement upon its source and content, but no debate is allowed unless the petition affects the privileges of the House or complains of a personal grievance requiring immediate remedy. All other petitions are referred to the Committee on Public Petitions for consideration. According to Lord Campion (*Parliament: a Survey*, p. 145n.), 'public petitions, though still presented, are intended merely as demonstrations, since no parliamentary action is now possible on them' The original purpose of the public petition, to voice the grievances of those classes which were denied parliamentary representation, fell away with the extension of the franchise. The parliamentary question (q.v.) has largely superseded the petition as a means of airing grievances.

## Plural Voting

A Member of the House of Commons who wishes to present a petition should rise for the purpose before Question Time or, should he prefer to do so, deposit it in the petition bag which is kept behind the Speaker's Chair.

Petitions promoting or opposing Private Bills (q.v.) are subject to a different procedure and are not presented in the manner described above. They are deposited in the Private Bill Office of the House of Lords or the House of Commons either by a Member of Parliament, the petitioner himself, or his agent.

## PLURAL VOTING

The objection to an elector possessing more than one vote was voiced by the Radicals in the first quarter of the 19th century with their cry of 'one man, one vote'. Plural voting rested chiefly on the property qualification in counties, and the 'faggot votes' (q.v.) which resulted from this first became a serious political issue when they were denounced by the Liberals prior to the passing of the Franchise Act of 1884. Bills abolishing plural voting were passed by the House of Commons in 1906, in 1912, and in 1913, but were defeated by the House of Lords. The right to exercise more than one vote at a parliamentary election was finally abolished by the Representation of the People Act, 1948. Previously an elector might qualify for a residential, a business, and a university vote, but if he was entitled to a business vote *and* a university vote he could use only one of these. Thus it was not possible for anyone to exercise more than two votes. A form of plural voting advocated by J. S. Mill is known as the multiple or 'weighted' vote. Under this system an elector may have several votes, the number depending on his educational qualifications and his position in society. It has been adopted for the direct election of African members to the Kenya Legislative Council, following a report on electoral procedure (the Coutts Report) published in 1955. Adult Africans possessing certain qualifications of income, property, education, or service are eligible to vote for African members, and voters with more than one qualification have additional votes up to a maximum of three.

## 'POCKET' BOROUGH

*See* 'ROTTEN' BOROUGH.

## POINT OF ORDER

Any Member of Parliament can and should bring to the Speaker's immediate notice any instance of what he considers a breach of order or a transgression of any written or unwritten law of the House, and he may also ask for the guidance and assistance of the Chair regarding any obscurities in procedure. A member is entitled, in such cases only, to interrupt a debate by rising and saying, 'On a point of order, Mr.

Speaker', and then to lay the point in question concisely before him, although there is often some doubt among members as to what exactly constitutes a point of order, and the reply is quite frequently, 'That is not a point of order.' To raise a point of order during a division (q.v.) a member must be seated and covered. On 11 December 1947 the Speaker was asked whether a member could be covered in some other way than by a hat, order papers and handkerchiefs not being allowed. The Speaker said that some distinction needed to be made, because if a member stood up when other members were walking out to the Division Lobbies it did not indicate to the Speaker that that member was raising a point of order.

### **POLICE IN PARLIAMENT**

The important duties performed by the police in the Parliaments of the Commonwealth are obvious to the most casual visitor, and they have become an indispensable adjunct to the parliamentary system of government. As well as maintaining order and preventing the intrusion of unauthorized persons, they have their part to play in the ceremonial of Parliament—*and sometimes, as at Ottawa, where the Royal Canadian Mounted Police are on duty, a very colourful part.* A sessional order of the British House of Commons directs that the police shall keep the streets leading to the Houses of Parliament free and open, and that no obstruction shall be permitted to hinder the passage thereto of the Lords or Members of the Commons. The police accordingly give every facility to members and officers of the two Houses to cross the street and approach the Houses of Parliament without interruption, and when necessary hold up the traffic for this purpose. The police maintain order in the lobbies and corridors of the House of Commons, and the only occasion on which they were called into the Chamber for this purpose was in 1901. Twelve Irish Nationalists had been suspended but refused to leave the Chamber, and Speaker Gully eventually sent for a body of police to remove them. Nine of the Irishmen, fiercely resisting to the last, were borne on the shoulders of constables out of the Chamber amidst a tremendous uproar. During the session the House of Commons has an inspector, a sergeant, and 28 constables on duty under the control of the Serjeant-at-Arms, the cost being borne by the House of Commons. The Metropolitan Police have performed duty at the Houses of Parliament since the constitution of the Force in 1829.

### **POLITICAL REGISTER**

*See* COBBETT, WILLIAM; HANSARD; PARLIAMENTARY DEBATES.

### **POSTAL VOTE**

*See* ELECTIONS.

## Postmaster-General

### POSTMASTER-GENERAL

Previous to the passing of the Post Office Act in 1657, the head of the Post Office was known by various titles—Master of the Posts, Comptroller-General of the Posts, Messengers, and Couriers, and Postmaster of England. After this date his modern title of Postmaster-General came into regular use. From 1691 the office was held jointly by two appointees, but since 1823 only one Postmaster-General has been appointed. It was not until 1866 that the Postmaster-General was allowed to sit in the House of Commons, although his office had been regarded as a political one since 1837. The Postmaster-General is appointed by letters patent and exercises the royal monopoly of carrying letters for reward, and also the monopoly of the telegraph and telephone services. He also controls wireless services and experimentation by the licensing system established by the Wireless Telegraphy Act of 1904, and is answerable to Parliament in a limited degree for the B.B.C. The Post Office, which employs the largest staff of any government department, was formerly subordinate to the Treasury, but in 1933 it became a separate department with a wider control over its considerable revenue. The Postmaster-General is chairman of the Post Office Board (established in 1934) which assists in the formation of policy. He is not a member of the Cabinet, his salary is £5,000, and he has an Assistant Postmaster-General (first appointed in 1910) who is a junior minister with a salary of £2,500. Both are entitled to an additional £750 if they sit in the House of Commons. A list of the holders of this office from 1823 appears as Appendix 26.

### POWER, MINISTER OF

First appointed in 1942 as the Minister of Fuel and Power under the Ministers of the Crown (Emergency Appointments) Act, 1939, and put on a permanent basis by the Ministry of Fuel and Power Act, 1945, this Minister is responsible for the administration of the Acts dealing with the industries concerned with the supply of electricity, gas, coal, and oil. The functions of the Board of Trade in relation to gas and electricity were taken over by the Ministry, and it absorbed the Board's Mines and Petroleum Departments. In January 1957 the Ministry was renamed the Ministry of Power, when it also took over iron and steel from the Board of Trade. The new Minister of Power was also given the responsibility for extending the use of atomic energy as a source of industrial power. The Minister's salary is £5,000 per annum and he is entitled to a further £750 if he sits in the House of Commons.

Major Gwilym Lloyd George was the first Minister of Fuel and Power to be appointed and he held office until the Labour Party's victory at the 1945 General Election. He has been succeeded in office

by Emanuel Shinwell, Hugh Gaitskell, Philip Noel-Baker, Geoffrey Lloyd, Aubrey Jones, and Sir Percy Mills (now Lord Mills).

**'PRAYER'**

A motion to annul a Statutory Instrument (q.v.). Such motions count as Exempted Business (q.v.) and are taken at the end of the day's sitting. They must be moved during the forty days after the order is laid on the Table, at the expiration of which it automatically becomes law. The form of these motions provides the reason for their name—'That an humble Address be presented to Her Majesty praying that the — Regulations . . . be annulled.'

**PRAYERS IN PARLIAMENT**

In the early days of parliamentary history the work of the session was preceded by mass, usually in the Chapel of St. Stephen. Later, when the two Houses separated, the custom was kept up, the practice in Tudor times being for the House of Lords to attend service in the Abbey and for the Commons to resort to St. Margaret's Church. This church has been adopted by the House of Commons ever since as its parish church, and is used for its thanksgiving and memorial services. Occasionally, as happened in 1426, the presence of legislators in a body at church was taken advantage of by ecclesiastics to read them a lesson on the errors of their public ways. In that year the Archbishop of Canterbury took his opportunity and delivered an impassioned harangue against the statute which disqualified foreigners from holding any ecclesiastical dignity in the country. With a full appreciation of the value of this law, Parliament elected to keep it on the Statute Book, where it remains to this day. In the reign of Elizabeth I we find the first mention, in D'Ewes's Journal, of devotions in the Legislative Chamber itself. He records that the Litany was said by the Clerk kneeling, and answered by the whole House on its knees. In 1571 the Speaker, Christopher Wray, suggested that he should add a prayer himself 'such as he should think fittest for the time', but perhaps they were too long-winded as the Clerk is again recorded as reading them nine years later. Either the Clerk or the Speaker read the daily prayers in the House until 1643, when the Journal of the House of Commons records 'that one of the ministers of the assembly shall be appointed to pray with the House every morning'. A further stage was reached in 1650, when the House resolved: 'The Governor of the College of Westminster do take care that some fit and able person or persons do attend *de die in diem* to pray in Parliament, and that they give their attendance accordingly.' The first regular Speaker's Chaplain was appointed in 1659, and since that time the Chaplain has used the following prayer at the commencement of each day's business: 'Almighty God, by whom alone Kings reign and Princes decree justice, and from

## Preamble

whom alone cometh all counsel, wisdom and understanding; we thine unworthy servants here gathered together in Thy name do most humbly beseech Thee to send down Thy heavenly wisdom from above, to direct and guide us in all our consultations: And grant that, we having Thy fear always before our eyes, and laying aside all private interests, prejudices and partial affections, the result of all our counsels may be to the glory of Thy blessed Name, the maintenance of true Religion and justice, the safety, honour and happiness of the Queen, the publick wealth, peace and tranquillity of the Realm, and the uniting and knitting together of the hearts of all persons and estates within the same, in true Christian Love and Charity one towards another.' The Speaker does not take the Chair, the Clerks remain outside the Chamber, and strangers, are excluded from the Public Galleries until prayers are finished.

In the House of Lords prayers were formerly read by the Lord Keeper of the Privy Seal, then by ministers, and afterwards by the youngest bishop. Now the practice is for a selected bishop to officiate according to arrangement.

Prayers precede the day's sitting in other Commonwealth Parliaments with the exception of Ceylon, where there is too great a diversity of religious belief amongst the members.

## PREAMBLE

That part of a Bill which sets out the reasons for and intended effects of the proposed legislation. It is not an essential feature of a Public Bill (q.v.) and is not often incorporated except where constitutional matters are involved, e.g., the Government of India Act of 1919, or the Statute of Westminster, 1931. It is the last part of the Bill to be considered, as amendments to the Bill may necessitate an alteration to the preamble. Unlike the practice in regard to those Public Bills in which it appears, the preamble which is always part of a Private Bill (q.v.) is first considered, and if it is opposed the petitioners against the Bill are heard and the question is put to the Committee on Opposed Bills 'That the preamble is proved', which is resolved either in the affirmative or in the negative.

## PRECEDENCE

The order in which persons should be placed on ceremonial occasions by virtue of their rank received statutory recognition by an Act of 1539. Although this Act was concerned directly only with the Great Officers of State, it has since been considered the chief authority for the marshalling of dignities, and confirmed regulations made since the first 'order of all Estates of Nobles and Gentry of England' was framed in 1339. Important decrees of precedence were made in 1612 and 1616, and James I himself decided that the newly created order of baronets



## ' President of the Board of Trade

should follow barons' and viscounts' younger sons. Precedence must come from father or husband, and cannot be derived from a female, unless in the case of a peeress in her own right. In the United Kingdom the Prime Minister, by a Royal Warrant of 2 December 1905, takes precedence, after the Royal Family, the archbishops, and the Lord Chancellor, of all peers and commoners. The Prime Minister is followed by the Lord President of the Council, and then the Speaker of the House of Commons, whose precedence was established by an Order in Council of 30 May 1919. Tables of precedence for British Commonwealth countries will be found in *Burke's Peerage* (q.v.).

## PRECEDENT

A previous decision by the Chair, or a well-established procedure or usage which serves as an authority or guide when a similar point or circumstance arises in Parliament. A large part of parliamentary procedure rests upon precedents, which form for Parliament the source of its customary law. This is ascertained and made available to the Speaker or Chairman for deciding questions of procedure by reference to a similar case in the Journals of the House or to the rulings given by past Speakers. A well-known collection of parliamentary precedents is that compiled by John Hatsell (q.v.), Clerk of the House of Commons at the end of the 18th century.

## PREROGATIVE

See ROYAL PREROGATIVE.

## PRESIDENT OF THE BOARD OF TRADE

Unlike the other British government departments, which have developed from the offices of the Great Officers of the Realm or are comparatively recent creations, the Board of Trade developed from a committee of the Privy Council. When Britain's overseas trade began to grow the Privy Council was responsible for its protection, but during the 17th century it was evident that the Council was unable to cope with all the work that was involved. It therefore delegated these functions to committees and 'Commissioners for Trade', and in 1696 a Committee of Privy Councillors and Members of Parliament was created and called the Board of Trade and Plantations (i.e., Colonies). This Board was abolished by an Act of 1782, but it was reconstituted by William Pitt in 1786 under the title of 'the Committee of the Privy Council for Trade and Foreign Plantations' with Lord Hawkesbury as its first President. The Order in Council of 23 August 1786 which constituted the committee provided for no quorum, thus enabling the President to act alone on its behalf. To quote from Hugh Dalton's *The Fateful Years* (p. 387, footnote):

## Press and Parliament

The last recorded meeting was held on December 23rd 1850, but for the previous thirty years only the President and Vice-President had attended. The practice of weekly, and often twice weekly, meetings of the Board continued with steadily flagging attendance from 1786 to 1850, but the minute books do not record a full attendance at any of these many meetings.

In addition to the President the Board, as now constituted, comprises the Archbishop of Canterbury, First Lord of the Treasury, First Lord of the Admiralty, the Principal Secretaries of State, Chancellor of the Exchequer, Speaker of the House of Commons, and (if they are Privy Councillors) the Chancellor of the Duchy of Lancaster, Paymaster-General, Treasurer of the Navy (now a defunct office), and the Master of the Mint. The Vice-President was replaced in 1867 by a Parliamentary Secretary.

The President is answerable to Parliament for the matters dealt with by the Board, which besides the promotion of export trade is responsible for export credits, trade statistics, patents, designs and trade marks, and the registration of companies. The functions of the Ministries of Labour, Transport, and Power (formerly Fuel and Power), now fully detached departments with widened responsibilities, were at one time exercised by the Board of Trade. It was also concerned with the registration of ships and the administration of the Merchant Shipping Acts until these matters were transferred in 1939 to what is now the Ministry of Transport and Civil Aviation. The President of the Board of Trade is a Cabinet Minister with a salary of £5,000. If he sits in the House of Commons he is entitled to a further £250. The Parliamentary Secretary to the Department of Overseas Trade, established in 1917 under the ægis of the Foreign Office and the Board of Trade, was replaced by a Minister of State (q.v.) in 1953. When the Ministry of Materials was dissolved in July 1954 its remaining functions were transferred to the Board of Trade.

A proposal made in 1904 to change the Board into a Ministry of Commerce and Industry, with a Minister instead of the President, has not so far been acted upon, but a similar Minister is appointed in most of the other Commonwealth countries.

A chronological list of Presidents of the Board of Trade appears as Appendix 29.

## PRESS AND PARLIAMENT

The cordial and co-operative relationship which to-day exists between Parliament and the Press represents the achievement of centuries of struggle between the champions of liberty and the forces of intolerance. The reporting of parliamentary proceedings was for many years regarded as a flagrant breach of parliamentary privilege, and (an interesting survival from a less enlightened era) is still

technically so to-day. The freedom which the Press enjoys to-day was not lightly won, and it was in comparatively recent times that unfettered journalism was accepted as a healthy and essential feature of a democratic society.

A thirst for news has ever been a British characteristic, but it was not until the abolition of the Star Chamber in 1641 that journalism was able to enjoy a temporary and very much restricted freedom. The rapidly strengthening power and influence of Parliament had stirred the political consciousness of the nation, and a demand became apparent amongst the literate populace for news of Parliament's activities. Various news books came into being which reported parliamentary proceedings as their main feature. Some reports, such as those appearing under the title of 'Diurnal Occurrences of Parliament' which were started in 1641 and continued until the Restoration, were recognized officially, but those which offended Parliament were suppressed and their authors and printers punished. So seriously did the Commons regard unlicensed reporting that Sir E. Dering was expelled from the House and imprisoned for printing a collection of his own speeches. There was considerable journalistic activity between 1641 and 1660 in spite of the dangers involved, and in spite of the re-imposition of censorship in 1643 which spurred Milton into writing the *Areopagitica*. It was in this essay that Milton gave expression to the advanced thought 'that freedom of speech and freedom of action are not evils to be tolerated, but blessings, essential to the life and progress of any nation'. (C. E. Vaughan's preface to the Everyman edition of Milton's *Areopagitica*.) 'Give me the liberty to know, to utter, and to argue freely, according to conscience, above all other liberties', wrote Milton, but many were to suffer before authority recognized the right of the individual to enjoy this liberty.

Shortly after the Restoration the activities of the Press were severely curtailed. On 25 June 1660, the House of Commons resolved 'that no person whatsoever do presume at his peril to print any votes of proceedings of this House without the special leave and order of this House'. In 1662 the Licensing Act was passed limiting the number of master printers to twenty, and for over thirty years the Press was virtually suppressed. Surreptitious publications continued to appear, however, and in 1694 a printer named Dyer was brought to the Bar of the House of Commons and reprimanded for reporting parliamentary proceedings. At the same time the Commons passed a resolution warning writers of newsletters against the commission of Dyer's offence. When the Licensing Act was allowed to lapse in 1695 there was a great revival of journalistic activity, but Parliament remained as firm as ever in its insistence that its debates and proceedings should receive no attention from the Press. But the popular demand for parliamentary information was as strong as ever. In the closing years

## Press and Parliament

of Queen Anne's reign summaries of debates, compiled from memory, began to appear in Boyer's *Political State of Great Britain*. In the following reign similar reports started to appear in the *Historical Register*. Ever jealous of its privileges, an alert Parliament took great pains to bring offending journalists to book. In 1704, John Tutchin, editor of the *Observer*, expressed political views which displeased Parliament, and the House of Commons passed a resolution declaring that the offending issues of Tutchin's paper contained 'matter scandalous and malicious, reflecting on the proceedings of the House, tending to the promotion of sedition in the kingdom', and ordered Tutchin, together with the printer and the publisher, into custody. Even its own members were not immune from punitive action, and in 1714 Richard Steele was expelled from the House of Commons for editing a seditious newspaper.

In 1712 Parliament attempted to muzzle the Press by imposing a tax on newspapers. A paper printed on a half-sheet was liable for a stamp tax of a halfpenny; if printed on a whole sheet the tax was a penny. Editors were swift to find a loophole in the law, and began to publish six-page newspapers, printed on one sheet and a half, thereby escaping the tax. This loophole was closed in 1725 when all newspapers, regardless of their size, became liable for the tax and had to bear a red stamp. Taxation did not have the effect which Parliament desired, and as the sales of newspapers increased so their number grew. The tax was doubled in 1757, and taxation of the Press in one form or another continued for nearly a hundred years after this date.

In 1721 the House of Commons exceeded its jurisdiction by assuming the right to punish a journalist for a purely political offence, no breach of parliamentary privilege being involved. A newspaper of Jacobite sympathies called *Mist's Journal* had advocated the restoration of the Pretender, and the matter was brought before the Commons who resolved 'that the said paper is a false, malicious, scandalous, infamous, and traitorous libel, tending to alienate the affections of His Majesty's subjects, and to excite the people to sedition and rebellion, with an intention to subvert the present happy establishment and to introduce popery and arbitrary power'. The proprietor, Nathaniel Mist, was committed to Newgate, and was later compelled to fly the country. Even after his departure his paper continued to be published under the name of *Fog's Journal*.

It was in 1731 that the enterprising publisher, Edward Cave (q.v.), launched the *Gentleman's Magazine* and published parliamentary reports on a larger scale than ever before. Cave had already been in trouble with Parliament, and in 1727 he had been committed to prison by the House of Commons for supplying information on the proceedings of Parliament to his friend Robert Raikes for publication in the *Gloucester Journal*. In 1729 Raikes himself had been summoned to the

Bar of the House for censure, and on this occasion the Commons unanimously resolved 'that it is an indignity to, and a breach of the privilege of, this House for any person to presume to give in written or printed newspapers any account or minutes of the debates or other proceedings of this House, or of any committee thereof', and 'that upon discovery of the authors, printers, or publishers, this House will proceed against the offenders with the utmost severity'. Cave, nothing daunted, achieved astonishing success with his reports in the *Gentleman's Magazine*, which was followed shortly afterwards by the rival *London Magazine*. On the reports contained in these two periodicals, the Parliamentary History (q.v.) for the period is chiefly based. It is interesting to note that although Parliament as a body took strong exception to the reporting of its debates, Cave received considerable assistance in the supply of material and the correcting of proofs from members themselves. He is even said to have forwarded proofs to the Speaker of the House of Commons for correction. He was thus able to ensure the accuracy of his reports and authentic parliamentary reporting may be said to have started with Cave's reports.

The issue of parliamentary reporting came to a head in April 1738, when an important debate took place in the House of Commons as a result of Cave having published a speech before it had been delivered. Much eloquence was expended on the subject, most of the members who spoke vigorously 'condemning the practice in the strongest terms. 'If we do not put a speedy stop to this practise,' declared Winnington, 'you will have every word that is spoken here by gentlemen misrepresented by fellows who thrust themselves into our gallery. You will have the speeches of this House every day printed, even during your session, and we shall be looked upon as the most contemptible assembly on the face of the earth.' Sir William Wyndham was alone in upholding the right of the public 'to know somewhat more of the proceedings of the House than what appears from the votes'. The debate ended in the unanimous resolution 'That it is a high indignity to, and a notorious breach of the privileges of this House to print the debates or other proceedings of the House, as well during the recess as the sitting of Parliament, and that this House will proceed with the utmost severity against such offenders'.

This debate and its resultant resolution marked a setback for parliamentary journalism. The matter had been brought before the House by Speaker Onslow with a view to ascertaining the final opinion of the House upon it. The House had stated its resolution unanimously and in most definite terms, and to disregard it might well have involved greater hazards than before as Parliament could be expected to increase its vigilance over the activities of the Press. Also, members themselves deemed it advisable to cease to be as co-operative as in the past. Cave was not the man to admit defeat, however, and he continued to publish

## Press and Parliament

reports in which the locale and the names of the speakers were disguised and which were constructed from brief notes smuggled out of the Public Gallery by persons specially placed there for the purpose. The first man to construct these reports was a writer named William Guthrie and he was followed in 1740 by the young Samuel Johnson (q.v.). The reports appeared in such forms as 'Debates in the Senate of Great Lilliput' and 'Debates of the Political Club'. The names of the speakers were disguised in such a way that they could be easily recognized, usually in the forms of anagrams of the real names. In 1747 Cave and Astle (the editor of the *London Magazine*) were summoned before the House of Lords for publishing an account of Lord Lovat's trial in their two journals. They were compelled to make abject apology but were spared further punishment. After this incident Cave ceased his reports until 1752, after which he does not appear to have been molested.

The eventual removal of the ban on parliamentary reporting was largely due to the activities of the notorious but colourful John Wilkes (q.v.). In 1762 Wilkes commenced his paper, the *North Briton*, and from the very first issue he fearlessly asserted the right of the individual to criticize authority. He wrote scathing political articles, making no effort to conceal the names of those he assailed (a precaution which other writers usually observed), until the weight of official displeasure descended on him with the publication of the famous 'No. 45', in which he fiercely attacked the King's Speech on proroguing Parliament. (For further details of Wilkes's brushes with authority at this stage and subsequently see GEORGE III AND PARLIAMENT.) Having fled the country and been proclaimed an outlaw, Wilkes returned to England in 1768 and was elected to Parliament as the member for Middlesex. His long struggle with Parliament over the right of the Middlesex electors to return him as their member is dealt with under the heading referred to above, but it was at the outset of this constitutional battle that the incident arose which resulted in the tacit removal of the ban on parliamentary reporting. In 1771 two printers, Thompson of the *Gazetteer and New Daily Advertiser* and Wheble of the *Middlesex Journal*, were summoned to the Bar of the House of Commons for 'misrepresenting the speeches and reflecting on several members of this House'. When neither of them attended as directed they were ordered to be taken into custody. Wheble was arrested in circumstances suggestive of collusion and appeared before Wilkes, now an alderman of the City of London, who had encouraged the printers in their defiance of the House. Wilkes discharged the prisoner and bound him over to prosecute the person who had arrested him. Thompson was arrested on the same day and appeared before another alderman named Oliver, who discharged him on the ground that no accusation had been made against him. The following day a third printer named

Miller of the *London Evening Post*, another journal which had offended the House of Commons, was arrested by a House of Commons messenger on a warrant signed by the Speaker. Miller called for a constable who took both men before the Lord Mayor, Wilkes, and Oliver. They dismissed the charge against Miller and committed the messenger for trial for assault. The Commons, on learning of these events, fumed with indignation and ordered the Lord Mayor and Oliver, who were members, to attend in their places, and Wilkes to appear at the Bar. Wilkes replied that he was the lawfully elected Member for Middlesex and would attend only as a member. After he had disobeyed three summonses the Commons discreetly allowed the matter to drop, but the Lord Mayor and Oliver, having attended in their places and expressed their defiance, were both committed to the Tower. They were released a few weeks later on the prorogation of Parliament, and the popular demonstration in favour of the aldermen alarmed the Commons to such an extent that they made no further attempt to suppress the reporting of parliamentary debates and proceedings. From this time the freedom of the Press may be said to have been secured. There were subsequent occasions on which Governments took steps to fetter the activities of the Press, but the profession of journalism was never without its champions in the House of Commons. In the session of 1810, for instance, Sheridan was inspired to utter the following noble sentiments: 'Give me but the liberty of the Press, and I will give the minister a venal House of Peers, I will give him a corrupt and servile House of Commons, I will give him the full swing of the patronage of office, I will give him the whole host of ministerial influences, I will give him all the power that place can confer upon him to purchase submission and overawe resistance; and yet, armed with the liberty of the Press, I will go forth to meet him undismayed; I will attack the mighty fabric he has reared with that mightier engine; I will shake down from its height corruption, and lay it beneath the ruins of the abuses it was meant to shelter.' In 1803 the House of Commons recognized the right of the Press by reserving special seats in the Public Gallery for the use of reporters, and in 1835 the first gallery exclusively for the use of the Press was opened. (*See also* HANSARD.)

To-day Parliament and the Press have a healthy respect for each other, but newspapers are bound to report parliamentary proceedings accurately and to observe and respect the legitimate privileges of Parliament and its members. There have been occasions in recent years when Parliament has proceeded against persons who have transgressed in this respect, and examples may be cited from three Commonwealth countries, the United Kingdom, Australia, and South Africa. In the first case, an article published in the *World's Press News* in 1947 by the then Member for Gravesend reflected upon the conduct of some of the author's fellow members, and the matter was referred

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to the Committee of Privileges, the usual procedure in such cases. After considering the committee's report, the House of Commons found the author of the article and the editor of the *World's Press News* guilty of a gross contempt of the House. The former was expelled from the House and the latter was summoned to the Bar and reprimanded by the Speaker. Further facts which were established as a result of this case led to another member being reprimanded for supplying confidential information to a newspaper in return for payment, and the editor and political correspondent of the newspaper concerned apologizing at the Bar of the House for refusing to reveal the name of their informant when questioned by the Committee of Privileges. Another case arose in 1957 when the editor of the *Sunday Express* was called to the Bar of the House of Commons (24 January) to answer for a contempt resulting from a leading article which appeared on 16 December 1956 on the subject of petrol rationing.

A serious case arose in Australia in 1955 when the proprietor of a suburban newspaper in New South Wales, the *Bankstown Observer*, published defamatory allegations against a member of the lower House of the Federal Parliament. The complaints of the member concerned were investigated by the Committee of Privileges, which reported that the proprietor of the newspaper and the writer of the offending articles were guilty of a serious breach of privilege. The House of Representatives unanimously agreed with the findings of the committee and voted, on a division, to commit both offenders to prison for three months.

In the South African case the Speaker acted on his own discretion in a matter which was not raised in the House. In 1956 the editor of the *Natal Mercury* published an article on its front page which the Speaker considered to be an affront to Parliament. A verbal demand was made for an immediate apology, to which the editor replied that he required an official complaint in writing. The Press Gallery pass and lobby tickets were then withdrawn from the paper's parliamentary correspondent, who was ordered to leave the precincts of Parliament. The passes were restored shortly afterwards when the newspaper published an unqualified apology.

Following upon the disclosures brought to light by the *World's Press News* case in 1947, the House of Commons adopted a resolution some weeks later 'That, if in any case hereafter a Member shall have been found guilty by this House of corruptly accepting payment for the disclosure and publication of confidential information about matters to be proceeded with in Parliament, any person responsible for offering such payment shall incur the grave displeasure of this House; and this House will take such action as it may, in the circumstances, think fit'. A similar motion had been introduced previously, but its wording had occasioned doubts in the minds of some members



that it might be taken to imply a general criticism of the Press. The revised motion was opposed on the grounds that the action it empowered the House to take was too vague, that it constituted an extension of privilege, and that it implied the existence of widespread corruption. The debate which took place (on 10 December 1947) gave a clear indication of Parliament's anxiety to safeguard the legitimate rights of a free Press whilst taking the necessary steps to protect itself from the activities of unscrupulous journalists who form a very small minority in an honourable profession. It is a very different outlook from that which flourished in the days of Edward Cave and John Wilkes.

### **PRESS GALLERY**

Every Commonwealth Parliament provides a gallery for the exclusive use of the Press. In the House of Commons it is situated above the Speaker's Chair, and in a number of other Parliaments it is similarly placed. In the House of Lords the Press Gallery faces the Throne. Admission to the Press Gallery is reserved to accredited representatives of newspapers, news agencies, or the B.B.C. They are admitted on production of a press card which is issued by the Serjeant-at-Arms.

The first Press Gallery was opened in the House of Commons in 1835, in a temporary chamber which was being used following the great fire of 1834 which destroyed the Parliament building. When the new Houses of Parliament were opened in 1852 both Chambers included a Press Gallery. Previously, parliamentary correspondents were forced to join other members of the public in the Strangers' Gallery, although by the beginning of the 19th century a special row had come to be reserved for them. During the previous century reporters had been severely handicapped by the ban on taking notes, for in those days Parliament regarded any report of its proceedings as a breach of privilege. This is technically still the case (*see PRIVILEGE, BREACH OF*), and to this day the taking of notes is forbidden in all the public galleries other than the Press Gallery.

Special places in the Press Gallery are also reserved for Hansard (q.v.) reporters.

### **'PREVIOUS QUESTION'**

A motion which is moved for the purpose of preventing the House coming to a decision on a subject of debate. It now makes a very infrequent appearance in the House of Commons (it was last moved in 1943) but 150 years ago the motion played quite a large part in procedure. It is moved in the words, 'That the question be not now put'; the mover, however, merely says, 'I move the previous question.' If the motion is carried, the question which was before the House when the 'previous question' was moved disappears. If the motion is

## Pride's Purge

negated, the question which was previously before the House must be put immediately, and the result is the same as if the closure (q.v.) had been carried. The motion requires a seconder, and both mover and seconder must be members who have not spoken in the debate on which the 'previous question' is moved.

The 'previous question' is so called because a motion 'That the question be *not* now put' would, in the logical order of business, be previous to a motion to the contrary. In the House of Lords the 'previous question' is proposed from the Chair in the words, 'Whether the said original question be now put', which form entails the mover voting *against* the motion.

## PRIDE'S PURGE

The forcible exclusion of the Presbyterian Members of the House of Commons which was carried into effect on 6 December 1648. The army leaders were determined that Charles I should be brought to trial, but realized that they could not secure the concurrence of the House of Commons unless the majority which favoured continued negotiation with the King was excluded. With the connivance of the Independents in the Commons, three regiments surrounded the House, and as each member arrived, Colonel Pride, one of the commanders, checked his name from a list. Those to whom the army objected were denied admission, and many who resisted were imprisoned, including D'Ewes, Prynne, Fiennès, Strode, and Waller. The purge was an unconstitutional and wholly indefensible act of violence. It achieved its object, however, and it was a greatly reduced and violently anti-Royalist House of Commons which resolved to bring the King to trial and finally condemned him.

*See also* CHARLES I AND PARLIAMENT.

## PRIME MINISTER

The Prime Minister, besides being the leader of the Government, is also the leader of one of the main political parties. On the one hand he is the trustee of the principles of his supporters, and on the other he is responsible to the Crown for the administration of public affairs. Lord Esher said, 'He is the supreme co-ordinating authority, and as the architect and constructor of the Cabinet it is his function to hold it together. On his death or retirement it is automatically dissolved, though it may be re-formed under another chief.' As well as choosing the members of the Cabinet, the Prime Minister can secure the removal of ministers in order to maintain Cabinet harmony. Keith, in his *British Cabinet System*, says that the polite description of the Prime Minister as *primus inter pares* (first among equals) which satisfied Lord Morley is inadequate to describe his real position if by

temperament he is willing to assert to the full the position which he can assert if he so desires. His power grows, not diminishes, and this is inevitable when the sources where it is derived are borne in mind. The root of the matter lies in the fact that since the Reform Act of 1832, the Prime Minister has become the choice of the electorate, and General Elections have frequently been fought on personalities rather than on principles. The reason for this lies in the fact that democracies find it easier and wiser to form judgments on men rather than on doctrines, and they feel, after a man has been before them in high office, that they can trust him or not to further the kind of views which will appeal to them.

The Prime Minister is now invariably a member of the House of Commons, although 18 of the 43 Prime Ministers we have had so far have sat in the House of Lords during their term of office, the last being Lord Salisbury. In 1721 Sir Robert Walpole was installed at the head of the administration as First Lord of the Treasury and Chancellor of the Exchequer, and this is usually regarded as the first occasion on which there was a real Prime Minister. Lord Melbourne said that Walpole's powerful position was the result of the very great confidence which both George I and George II reposed in him, and from the difficulty which they had in transacting business from their imperfect knowledge of English. The title of Prime Minister was not a popular one at first—it was even used in a derogatory sense. Lord North would never allow himself to be called *Prime* Minister because he said it was an office unknown to the Constitution, and this was so until 1905, when by Royal Warrant the holder of the office was given precedence next after the Archbishop of York. Since Walpole's time the position of the head of the Government has generally been united with that of the First Lord of the Treasury. From the days of Queen Elizabeth I the first minister was nearly always the Treasurer. There have been some Prime Ministers who did not combine these two offices, such as Lord Chatham, who was also Lord Privy Seal, and Lord Salisbury, who was successively Foreign Secretary and Lord Privy Seal on two occasions whilst leading an administration. The Lord Treasurer or First Lord of the Treasury originally concerned himself with the fiscal duties of his office, and he was often Chancellor of the Exchequer also when he sat in the Commons. The two offices have not been held together for over a hundred years, except in the case of Mr. Gladstone during portions of his first two Governments and by Stanley Baldwin in 1923. It is clear that in modern conditions there is no possibility of the Prime Minister holding any other office with substantial duties, and the Ministers of the Crown Act of 1937 recognizes this by giving him the salary of £10,000 a year as Prime Minister and First Lord of the Treasury. From 1940 to 1945 Sir Winston Churchill was also Minister of Defence, and though this second office

## Prince Edward Island Legislative Assembly

carried with it no statutory duties and no department, it served to symbolize a very active direction of the military side of the war effort.

The Prime Minister accepts his place from the Sovereign not by the delivery of a staff or a seal nor by a declaration in Council, as do other high officers of state, but by kissing hands like an ambassador. He receives no letters patent, his appointment being merely noted in the Court Circular, although his commission as First Lord of the Treasury is gazetted. The Prime Minister as such possesses no distinctive uniform, and like other Cabinet Ministers he wears on state occasions the ordinary full-dress of a Privy Councillor. Apart from his salary, a rate- and tax-free house is assigned to him at 10 Downing Street. Downing Street was called after Sir George Downing, a Secretary of State in the time of Charles II, and the house was originally offered to Sir Robert Walpole by George II as a private residence. Walpole refused it as such, but accepted it as an official residence for himself and his successors in the Treasury. While he is in office the Prime Minister also has the use of Chequers in the Chiltern Hills, a country house and estate, with sufficient capital to maintain them, which were settled by Lord Lee of Fareham in perpetuity on the Prime Minister for the time being.

The record length of service for any Prime Minister in the Commonwealth was held by the late Mackenzie King of Canada with 7,829 days in office, although Britain's first Prime Minister, Walpole, came very near to equalling this with 7,620 days. Early in 1955, however, Mackenzie King's record was broken by Sir Godfrey Huggins (now Lord Malvern), as Prime Minister of Southern Rhodesia and later as Prime Minister of the Federation of Rhodesia and Nyasaland. When he retired in October 1956 his service in that high office amounted to 8,419 days.

As Lord Mersey remarks in his book on the Prime Ministers of Britain, there is one final position which a Prime Minister, if he rises rightly to his high trust, can always command—the first place after his Sovereign in the estimation of his fellow-countrymen.

Chronological lists of the Prime Ministers of Commonwealth countries appear as Appendix 7.

(Further reading: Carter, *The office of Prime Minister*, 1956.)

## PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY

The first legislature was established in this Canadian Province in 1773, and responsible government was achieved in 1851. The Legislative Council (the upper House) was made elective in 1862, but after the island had joined the Confederacy in 1873 a political system consisting of a Lieutenant-Governor, Cabinet, and a bicameral legislature, in addition to 6 members and 4 Senators in the Federal Parliament,

suggested over-government for so small a Province. In 1874 a resolution was introduced into the Assembly which sought to abolish the Council and reduce the Assembly by one-third, but in spite of similar attempts in 1879 and 1880 the required reform was not accepted by the Government. The Legislative Council's reply to the two latter Bills was the suggestion that both branches of the legislature should be reduced by a half and that the remaining members should combine to form one House. In spite of steady opposition from the Government, this was finally achieved in 1893, and half the members of the Assembly are elected on the old Council property vote and the remainder by universal male and female suffrage.

The government of Prince Edward Island now consists of a Lieutenant-Governor, an Executive Council or Cabinet, and a Legislative Assembly of 30 members, 5 Councillors and 5 Assembly men being returned for each of the three counties. Since 1784 the Cabinet has consisted of 9 members, so that the executive occupies an unusually dominant position both in the legislature and in the caucus. The Legislative Assembly is denied the main adjunct to parliamentary ceremonial—the mace. This was removed by an enemy raiding party during the war of 1812, and tradition does not permit its replacement.

The Provincial Building, which houses the legislature, is in the 'Old Colonial' style, and was opened in 1847. The Legislative Library has been moved from the Provincial Building and is now part of the Public Library. In the Chamber once used by the Legislative Council the first meeting of the Fathers of Confederation was held in 1864, and thus the building can claim the proud distinction of being the Cradle of Confederation.

Prince Edward Island sends only 4 members to the Canadian House of Commons in place of the original 6, but the province still returns 4 Senators.

(Further reading: MacKinnon, *The Government of Prince Edward Island*, 1951.)

## PRINCE'S CHAMBER, HOUSE OF LORDS \*

An ante-chamber to the House of Lords which is situated behind the Throne. It is richly decorated with bas-reliefs in bronze by William Theed, depicting historic events of the Tudor period, panel portraits of Kings and Queens, and a frieze carved with the arms of the Sovereigns of England. The dominating feature of the chamber is a massive statue of Queen Victoria seated on the Throne, carved in marble by J. Gibson, R.A., with the figures of Justice and Mercy on either side.

The Prince's Chamber is so called to commemorate the apartment of that name which adjoined the House of Lords in the ancient Palace of Westminster.

## Private Acts

### PRIVATE ACTS

\* Acts with a local or personal application only, such as one extending the powers of a local authority or regulating a private estate. Private Acts are divided into three classes:

\* *Local and Personal Acts.* Until 1798 such Acts were printed with the other statutes of the year, but since that year they have been distinguished from Public Acts and printed in a separate series. Since 1868 certain statutes previously included among the Public General Acts (q.v.) have been transferred to the category of the Local and Personal Acts. They are Acts which, though passed as Public Bills, are local in their character, and Acts for the confirmation of provisional orders (*see* PROVISIONAL ORDER BILL). During the past century much private legislation has been dealt with in the form of Provisional Order Bills and latterly under the Statutory Orders (Special Procedure) Act, 1945.

*Private Acts Printed.* From 1798 to 1815 the Private Acts, not declared public, were not printed by the King's Printers, and could only be given in evidence by obtaining authenticated copies from the statute rolls in the Parliament Office. Since 1815 the greater part of such Private Acts have been printed by the King's Printers, and have contained a clause declaring that a copy so printed 'shall be admitted as evidence thereof by all judges, justices, and others'. Since 1851 this evidence clause has been retained, with the addition of an enactment that the 'Act shall not be deemed a Public Act'. These Acts are now mainly Estate Acts.

*Private Acts not Printed.* This last class of Private Acts is rapidly falling in numbers. They are of a strictly personal nature and many types, such as Naturalization and Divorce Acts, have completely disappeared.

### PRIVATE BILL OFFICE

An office in the department of the Clerk of the House (q.v.) which supplies the clerks for Private Bill Committees and assists in the conduct of Private Bill legislation in all its stages. One of the clerks from this office acts as secretary to the Chairman of Ways and Means (q.v.). There is a similar office in the House of Lords with which is incorporated their Committee Office.

### PRIVATE BILLS

Bills which confer particular powers or benefits on any person or body of persons, including individuals, local authorities, statutory companies, and private corporations. They should not be confused with Private Members' Bills (q.v.). The essential difference in procedure between a Public Bill (q.v.) and a Private Bill is that, whereas the former is either presented direct to the House or introduced on a

motion by a Member of Parliament, the latter is solicited by the parties who are interested in promoting it and is founded on a petition (q.v.). It sometimes occurs that a Public Bill affects private interests, and such a Bill is regarded as a Hybrid Bill (q.v.) and is treated like a Private Bill after second reading.

The majority of Private Bills are local in character, but some, which are not now common, deal with personal matters such as estates, names, naturalization, and divorce. Naturalization Bills are uncommon because of general legislation which has conferred certain powers on the Home Secretary, and the need for Divorce Bills has been removed by judicial methods of divorce and other factors. When the need for such a Bill does arise it is always introduced in the House of Lords and is known in that House as a Personal Bill. A Personal Bills Committee is set up by the House of Lords at the beginning of every session to consider any petitions for Personal Bills which may be presented. If this committee recommends that a Personal Bill be proceeded with, the subsequent procedure is substantially the same as that on any other Private Bill.

The originators of Private Bills are mainly local authorities and other statutory bodies, and the measures proposed usually concern the regulation of public utilities. The necessity for private legislation has been greatly reduced by the growth of administrative powers, including the power of making Provisional Orders (*see* PROVISIONAL ORDER BILL) and Special Procedure Orders (q.v.).

A special procedure is prescribed for Private Bills, and separate sets of Standing Orders exist in both Houses for the regulation of Private Business. Private Bills originate from petitions which are deposited by the promoters in the Private Bill Office. With rare exceptions, the opportunity arises once a year only, 27 November being the final date for the deposit of the petition and Bill, and 30 January the last day for the presentation of petitions against the Bill.

It is assumed that the Bill will seek powers and privileges to which others will object, and notices of intention to promote the Bill must be given by newspaper advertisement and gazette notices. Individual notices must be given to owners, lessees, and occupiers of land and houses affected by the proposals. Once deposited, the petition and Bill are open to inspection, and printed copies must be made available for the use of members and officers of Parliament and government departments. To ascertain that all the conditions required by Standing Orders have been complied with, two examiners are appointed, one by each House, who begin to examine all petitions on 18 December. They sit separately, each considering a certain number of petitions each day. Any petition which, in the opinion of an examiner, has not complied with Standing Orders is referred to the Standing Orders Committee,

## Private Bills

which considers the matter further and reports its recommendations to the House.

After the examiners have reported, the Chairman of Ways and Means and the Lord Chairman of Committees together decide in which House the respective Bills shall be introduced. Once a Bill is laid upon the Table of the appropriate House it is deemed to have been read a first time. Any petitions objecting to a Bill are considered in the House of Commons by the Court of Referees, consisting of the Chairman of Ways and Means, the Deputy Chairman, the Speaker's Counsel, and not less than 7 members of the House. Three members form a quorum, and the decisions of the Court constitute legal decisions against which there is no appeal.

A Private Bill goes through the same stages as a Public Bill (*see BILL, PASSAGE OF*), and the procedure is similar in both Houses. Most Private Bills go through without opposition from members of the House, but if objection is voiced time has to be found for debate. Normally the second reading is taken as unopposed Private Business before Questions. Quite apart from any opposition from the House itself, a Private Bill is deemed to be opposed if a petition has been presented against it in which the petitioner or petitioners have prayed to be heard, or if the Chairman of Ways and Means reports to the House that in his opinion it should be treated as opposed. After second reading, every Private Bill is referred to the Committee of Selection (q.v.) whose task is to allocate each measure to an appropriate committee for its committee stage. All unopposed Bills are referred to the Committee on Unopposed Bills, which consists of the Chairman of Ways and Means, the Deputy Chairman, and 3 other members, and is assisted by the Speaker's Counsel. In the House of Lords, the function of this committee is fulfilled by the Lord Chairman of Committees. Opposed Bills are referred either individually or in groups to committees consisting of a Chairman and 3 members 'not locally or otherwise interested therein'. These committees sit in a semi-judicial capacity and hear the case for and against the Bills argued by counsel representing the promoters and those petitioning against them. The function of all Private Bill Committees is to determine whether it is in the public interest that a Private Bill should be passed, and if so in what form.

If a Private Bill is amended in committee it is ordered to lie on the Table of the House so that the amendments may be moved in the House. Usually the report stage is a pure formality, as are the third reading and the passage through the other House. In neither the Lords nor the Commons may amendments be moved unless they have been submitted to the Chairman of Ways and Means or the Lord Chairman of Committees, as the case may be.

The progress of a Private Bill is dependent upon the payment of fees by the promoters, and the actual work involved in promoting



## Private Members' Bills

such a measure or in taking proceedings to oppose it is carried out by a parliamentary agent (q.v.).

In 1930 a Select Committee of the House of Commons under the chairmanship of Sir Herbert Dunnico made a number of recommendations which had the effect of simplifying Private Bill procedure and keeping down the costs of private legislation. In 1955 a Joint Committee of both Houses was appointed with similar terms of reference to those of the Dunnico Committee, namely, 'to consider what alterations, if any, are desirable in the practice and the Standing Orders of the two Houses relating to private legislation, having special regard to the desirability of lessening the expense at present incurred.' The Joint Committee reported in May 1955, and amongst other changes recommended an enlargement of the panel for the consideration of unopposed Bills; the standardization of the Standing Orders and procedure on Private Bills in both Houses; the introduction of a uniform and considerably reduced scale of fees for both Houses; and provision for reviewing the scales of charges of parliamentary agents.

The volume of private legislation was at its height towards the middle of the 19th century on account of the prodigious development in railway construction at that time. In 1846 alone 1,130 Private Bills became law.

(Further reading: F. Clifford, *History of Private Bill Legislation*, 2 vols., 1885-7; T. L. Landers, *Private Bills in Parliament*, 1919; and O. C. Williams, *The historical development of Private Bill Procedure and Standing Orders in the House of Commons*, 2 vols., H.M.S.O., 1948-9.)

## PRIVATE MEMBER

A Member of the House of Commons who is neither an office-holder in the Government nor an Opposition leader; also known as a 'back-bencher'.

## PRIVATE MEMBERS' BILLS

Public Bills which are introduced by private members instead of by the Government, not to be confused with Private Bills (q.v.). The time allotted to Private Members' Bills during a session is ten days, Friday being the day on which such measures are considered. Owing to the time limitation only a very small number ever come before the House. At the beginning of each session a ballot is held to determine the precedence which is to be given to private members who wish to introduce Bills, and all members desiring to take part enter their names on the ballot sheet. The draw takes place in a committee room in the presence of the Chairman of Ways and Means. Members who are successful present their Bills in the normal manner on the fourth day of the session in the order of the ballot. A member who is successful in

## Private Members' Time

the ballot but who has no Bill of his own to introduce may promote a Bill on behalf of another member. Alternatively, if he is a Government supporter he may, by arrangement with the Government Whips, promote a Bill which the Government desires to introduce but cannot fit into its generally overcrowded programme. Similarly, an Opposition member may introduce a Bill on behalf of his party. Private Members' Bills pass through the same stages as all other Public Bills (*see BILL, PASSAGE OF*), but for the committee stage they are referred to a Standing Committee which gives precedence to Private Members' Bills.

Private Members' Bills are subject to many hazards and only a very few ever reach the Statute Book. A member needs to be lucky in the ballot in order to introduce a Bill at all, and the majority of those which are introduced never have a chance of a second reading. If a Bill does reach a second reading the member promoting it is fortunate if he gets it through in the limited time allotted to it, and many Private Members' Bills are either defeated or talked out. A member promoting a Bill naturally endeavours to win as much support for his proposed measure as possible, but he is also likely to encounter opposition. There have, however, been some notable Private Members' Bills which have survived to become Acts of Parliament, Sir Alan Herbert's Matrimonial Causes Bill, 1937, being a famous example.

In spite of the formidable obstacles which confront the private member in his attempts to initiate legislation, his right to do so is a very healthy feature of our parliamentary system, and many a worthy cause has benefited as a result. A private member may not, of course, promote a Bill involving finance.

Private Members' Bills may also be introduced under the 'ten minutes rule' (q.v.), but this procedure is usually adopted only for the purpose of attracting some publicity to a proposed measure as its chances of a successful passage are very remote.

(Further reading: Bromhead, *Private Members' Bills*, 1956.)

## PRIVATE MEMBERS' TIME

In addition to Question Time and the daily half-hour Adjournment Motion, a certain amount of time is devoted each session to private members' business, which consists of Bills and motions. Under the present arrangement, the first 20 Fridays of the session are given over to private members' business, Bills and motions being considered on alternate Fridays. The precedence which is to be given to private members wishing to introduce Bills or motions is determined by ballot. The ballot for Private Members' Bills (q.v.) is held in a committee room, but in the case of private members' motions the ballot takes place in the House with the Speaker in the Chair, and is held once a fortnight after Question Time. A recent Select Committee on Procedure recommended that these two ballots should be combined.

The complaint is often heard that private members' time is being constantly whittled down. The complaint is undoubtedly justified (during the War all private members' time was absorbed), but the pressure of Government business has become so heavy in recent years that other business must necessarily be curtailed. The claims of the Opposition are also ever-increasing, with the result that the Government is hard pressed to complete its legislative programme. Even private members' time is sometimes made to serve the ends of Government and Opposition, as a private member with no business of his own may introduce a Bill or motion on behalf of his party. The member who specializes in worthy causes may well reflect, sadly upon his lost opportunities when he recalls that in 1832 the Government took precedence on two days a week only.

## PRIVATE NOTICE QUESTIONS

*See* QUESTIONS.

## PRIVILEGE

Erskine May defines parliamentary privilege as 'the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law'. The privileges of the Commons as distinct from the Lords have been defined as 'the sum of the fundamental rights of the House and of its individual members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords'. The Lords, originally the more powerful of the two Houses, have always enjoyed special privileges as peers distinct from those which they enjoy, together with the Commons, as Members of Parliament. Thus privilege falls into three categories which respectively apply to Members of Parliament individually, to each House collectively, and to both Houses jointly. (*See also* PEERS.)

Parliamentary privilege is both extensive and indefinite, and its growth and development form a subject which is discussed at great length in all constitutional histories. Important accounts can be found in Erskine May (Chaps. 3-10) and Sir William Anson's *Law and Custom of the Constitution* (Chap. 4). The history of parliamentary privilege is to a great extent the story of the fierce and prolonged struggle of the Commons to win the rights and freedoms which they enjoy to-day. At the commencement of every Parliament it is the custom for the Speaker 'in the name, and on behalf of the Commons, to lay claim by humble petition to their ancient and undoubted rights and privileges',

and in particular he specifies freedom from arrest and all molestations, liberty of speech in all their debates, and the right of access to the Sovereign. He concludes by praying that 'all their proceedings may receive from Her Majesty the most favourable construction'. To this petition the Lord Chancellor replies that 'Her Majesty most readily confirms all the rights and privileges which have ever been granted to or conferred upon the Commons by Her Majesty or any of her royal predecessors'. This has become a traditional ceremony at the Opening of Parliament.

The earliest recorded instance of the Commons claiming their right to certain liberties occurred in 1397 when the Lords convicted one, Thomas Haxey, of treason for introducing a Bill of reforms to which the King objected. The judgment was later reversed on the petition of the Commons, who claimed that it was 'against right and the course which had been usual in Parliament in violation of the customs of the Commons'. In the Parliament of 1401 the Speaker, upon his election, besought the King to disregard unofficial reports of the proceedings in the Commons, and in the reign of Henry IV it became the custom for the Speaker to claim for himself the right to inform the King of the mind of the Commons and to request that the most favourable construction be put upon their utterances. In 1523 the Commons asserted their right to freedom of debate, when they rejected Wolsey's demand for the sum of £800,000 (in those days an enormous sum of money) for the prosecution of the war with France, before they had had an opportunity to discuss the matter amongst themselves. In 1536 came the demand for the right of access to the Crown, and in 1541 freedom of speech was specifically claimed for the first time. In 1554 appears the first record of the petition which has now become a part of the ceremony of the Opening of Parliament. In the Journal of the House of Commons for 12 November of that year, it is recorded that 'Mr. Speaker made an excellent Oration, comparing a Body Politick to a Body Natural; and in the End made Three Petitions, viz. For free Speech in the House, Privilege from Arrest and Troubles for the Common House, and their Servants, and to have Access to the King and Queen, for the Cases of the House'. The claiming of these privileges became a regular practice at the Opening of a new Parliament, and from here on they may be considered separately.

**FREEDOM OF SPEECH.** In the reign of Elizabeth I the granting of this privilege had become an established precedent, but in reality it was a concession of a very doubtful nature. The Queen made it clear on various occasions that she did not intend the privilege to be taken too literally. In 1621 James I went much further than Elizabeth when, in a letter to the Speaker, he commanded him 'to make known our name unto the House, that none therein shall presume henceforth to

meddle with anything concerning our Government or deep matters of State'. The Commons' reply was the famous Protestation which the King himself tore from the Journal. It read:

That the liberties, franchises, privileges and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England: And that the arduous and urgent affairs concerning the King, State and defence of the realm, and of the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament: and that in the handling and proceeding of those businesses every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason and bring to conclusion the same. . . .

The climax of the struggle for freedom of speech was reached during the reign of Charles I when the long constitutional conflict between the Crown and Parliament came to a head. On 4 January 1641 (1642 according to our present calendar), the King, attended by an armed escort, entered the Commons Chamber and attempted to arrest five members on a charge of treason resulting from their proceedings in the House. He took the Speaker's Chair and called upon the five members by name, but the House maintained an angry silence. He then turned to the Speaker and demanded that the members be pointed out to him, upon which the Speaker, Lenthall (q.v.), fell on his knees and delivered his famous reply: 'May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here. . . .'

The entry in the Journal for the following day shows clearly and in no uncertain terms the view which the House took of the King's unwarranted intrusion. After prayers it was ordered 'that the door be locked and the key brought up; and the outward doors cleared of all persons but servants to Members of the House; and that no Member do offer to go out without leave; and also that some Members do send forth their servants, to see what numbers of people are repairing towards Westminster; and to bring notice to this House'. A committee of ten members was then appointed and ordered to retire immediately 'to consider of some way for vindicating the Privileges of Parliament; and for providing for the safety of both Kingdoms; and present it to the House with all speed'. The Journal then continues:

Whereas His Majesty, in his Royal Person, Yesterday being the Fourth Day of January, 1641, did come to the House of Commons, attended with a great Multitude of Men, armed in a warlike Manner with Halberds, Swords, and Pistols; who came up to the very Door of this House, and placed themselves there, and in other Places and Passages near to the House, to the great Terror and Disturbance of the Members thereof then sitting, and, according to their Duty, in a peaceable and orderly Manner, treating of the

great Affairs of both the Kingdoms of England and Ireland; and His Majesty having placed himself in the Speaker's Chair, did demand the Persons of divers Members of That House to be delivered unto him: It is this Day declared by the House of Commons, that the same is a high Breach of the Rights and Privilege of Parliament, and inconsistent with the Liberties and Freedom thereof. . . .

The privileges of Parliament were never challenged after the Restoration, and freedom of speech was finally confirmed after the Revolution of 1688 by the Bill of Rights (q.v.) which declared: 'That the freedom of speech, and debates on proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.'

The importance of the privilege to-day lies in the immunity it confers upon Members of Parliament from the law of slander. All members are, however, subject to the discipline of the House itself and it is their bounden duty not to abuse the privilege. The protection extends to the publication of any papers printed by order of the House, and a newspaper editor who publishes fair and honest reports of what has been said in the House is also protected. A Member of Parliament is not protected by privilege from the consequences of any words he utters outside the House, or of publishing on his own initiative any speeches he has made inside the House.

**FREEDOM FROM ARREST.** This privilege has ceased to be of any great importance as it does not confer immunity from arrest on any criminal charge; the Commons themselves had always excluded 'treason, felony and breach of the peace' from their claim for this privilege. Until comparatively recent times, however, it was a very necessary protection in view of the frequent use made of imprisonment in cases of debt and other civil actions. A member is immune from arrest for the duration of a session and for forty days before and after, this period having its origin in the ancient protection which the King extended to persons travelling to and from his court. By ancient custom a peer enjoys immunity at all times, his person being 'for ever sacred and inviolable'.

Although this privilege had been claimed by the Commons as far back as the 15th century it was not conceded as a right until 1543, when George Ferrers, a member who had been arrested for debt, was released by the Serjeant without any writ or warrant, 'only by show of his Mace, which was his warrant'.

**FREEDOM OF ACCESS TO THE SOVEREIGN.** This right is exercised by the Commons as a body through the Speaker and is not accorded to individual members. Members may, of course, attend the Speaker, and the privilege is an important one as it means that the Sovereign cannot refuse to receive an address which comes from the House as a whole.

In addition to the privileges which are specifically claimed there are others which have always been asserted and enforced by the Commons. These include the right to provide for their own constitution, to regulate their own proceedings, and to punish those guilty of breaches of privilege (*see* PRIVILEGE, BREACH OF). The right to regulate their own proceedings includes the right to initiate any business and to consider all matters in any order they choose (*see* OUTLAWRIES BILL).

Some privileges are based solely on custom and precedent while others have been confirmed by statute. In the 19th century the limits of privilege were defined and agreed to by Parliament, the Crown, and the courts, and it was further agreed that no new privilege can be created.

When a question of privilege is raised in the House it is given precedence over all other business.

*See also* PRIVILEGE, FINANCIAL.

## PRIVILEGE, BREACH OF

Both Houses of Parliament claim the right to punish offences which violate their privileges, whether committed by a member or an outsider, and whether directed against an individual or against the House collectively. Certain other offences against the authority and dignity of Parliament, whilst not breaches of specific privileges, are also punishable and are more correctly called contempts. It has become the custom, however, to refer to all such offences as breaches of privilege.

The acts which constitute breaches of privilege are many, and are dealt with exhaustively in Erskine May (Chap. 8). Anson summarizes them as disrespect to any member of the House, as such, by a person not being a member; disrespect to the House collectively, whether committed by a member or any other; disobedience to orders of the House, or interference with its procedure, with its officers in the execution of their duty, or with witnesses in respect of evidence given before the House or a Committee of the House. Disrespect to a member includes attempts to threaten or intimidate him, any libel concerning his conduct in the House, and the offering of a bribe. Disrespect to the House collectively is described by Lord Campion as 'the original and fundamental form of breach of privilege', and includes libels on the House at large, upon the Speaker, and upon Select Committees. Amongst those breaches of privilege which may be classed as disobedience to the orders of the House, mention should be made of the publication of debates, which was formerly an offence and was frequently punished as such. Even to-day their publication is permitted only on sufferance, and it still remains within the power of the House to treat such action as breach of privilege. The publication of false or misrepresented reports of debates is still censured as though the

## Privilege, Breach of

very publication constitutes the offence. Abuse of the right of petition, premature publication of evidence given before a committee, and proceeding against a member or officer of either House in the courts for his conduct in obedience to the orders of Parliament, are further instances of breach of privilege.

‘The power to punish breaches of privilege is essential to the authority of any legislative assembly and is enjoyed by all the Parliaments of the Commonwealth. In the case of the House of Lords and the House of Commons it has been held that their power to inflict punishment for breaches of privilege is inherent in the two Houses as a High Court of Parliament. The power of commitment, described by Erskine May as the keystone of parliamentary privilege, has always been held by the House of Lords and was claimed by the Commons in the 16th century. It is the most serious penalty which either House can inflict upon its members or upon outside offenders. The Commons cannot order imprisonment for a period beyond the duration of the session, but the Lords are not so restricted. The Lords are also empowered to impose fines, but there seems to exist some doubt as to whether the Commons also possess this power, although it is one which they have exercised in the past. The last occasion on which the House of Commons imposed a fine was in 1666. An offender who is punished by imprisonment is confined in the Clock Tower if he is a member, otherwise he is committed to one of Her Majesty’s prisons.

Offences which are not sufficiently grave to warrant imprisonment are punished by admonition or reprimand, the latter being the more serious punishment of the two. The punishment is administered by the Lord Chancellor in the House of Lords and by the Speaker in the House of Commons. If the offender is a member he stands uncovered in his place; if a non-member he is summoned to the Bar of the House to receive his punishment, attended in the Lords by Black Rod and in the Commons by the Serjeant-at-Arms bearing the Mace. It was formerly the practice to make offenders kneel at the Bar when hearing the judgment of the House.

Members of Parliament who commit offences are liable to two further penalties: suspension from the service of the House and expulsion.

The proceedings which follow upon a complaint by a member alleging a breach of privilege vary according to whether the complaint is directed against another member or an outsider, and whether or not it is founded upon a document. Complaints directed against a member or founded upon a document are considered in the House itself. If directed against a non-member and not founded upon a document the matter is usually referred to the Committee of Privileges (q.v.), and the House takes no action until its committee has reported. Both Houses appoint a Committee of Privileges at the beginning of every session.



## PRIVILEGE, FINANCIAL

The nation's finances are controlled exclusively by the House of Commons, whose rights in this respect may well be regarded as the most important collective privilege of that House. The House of Lords can neither initiate nor amend Bills sanctioning taxation or expenditure or Bills dealing with local rates. Although they are still constitutionally entitled to reject such Bills altogether, such action would be devoid of practical effect to-day since the Parliament Act, 1911, provides that a Money Bill (q.v.) can receive the Royal Assent (q.v.) even though it has not been assented to by the Lords.

In respect of private legislation and certain minor charges upon the people, the Commons have permanently relaxed their privileges, and they have been known to waive them under other circumstances whilst creating no precedent. (For full details see Erskine May, Chap. 28.) The Commons would not be prepared to consider any Bill sent down from the Lords which infringed their financial privileges in any way, although the Lords would not deliberately offend the Commons in this manner; in fact, so completely do they recognize the financial privileges of the lower House that they do not go into committee on the annual Finance and Consolidated Fund Bills. Any interference with these Bills on the part of the Lords would, of course, be regarded as an intolerable breach of privilege by the Commons, for they are the modern counterparts of the ancient 'Bill of aids and supplies' which, to quote Erskine May, 'are felt by them (the Commons) to embody privilege in its most essential form.'

From the earliest times the Commons have claimed the right to grant or withhold aids and supplies, but being a legislative enactment a grant also required the advice and consent of the Lords. The procedure remained unchanged until the 17th century when two famous resolutions denied to the Lords the right of interference. In 1671 it was resolved 'that in all aids given to the King by the Commons, the rate or tax ought not to be altered by the Lords'. The second resolution of 1678 also asserted the right of the Commons to decide the purposes to which their grants should be put; it was resolved 'that all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which ought not to be changed or altered by the House of Lords.' On these two resolutions the present practice is based. Two important incidents were to occur, however, before the exclusive right of the Commons in financial matters was finally established and accepted. In 1860 the Lords rejected the Paper Duties

## Privilege of Peerage

Repeal Bill. In reply the Commons reasserted their claims, and the proposal contained in the rejected measure was reintroduced in a Finance Bill which embodied all the financial proposals for the year, a practice which has been adopted ever since. In 1909 the Lords took more drastic action still, and rejected the Finance Bill for that year (i.e., the Budget). The crisis caused thereby resulted in the passing of the Parliament Act, 1911, which abolished the necessity for the Lords' assent to a Money Bill, thus robbing the upper House of all power to impede the progress of financial legislation.

Throughout the Commonwealth the principle is accepted that the upper House is not entitled to interfere with financial measures.

*See also* PARLIAMENT ACTS, 1911 and 1949.

## PRIVILEGE OF PEERAGE

*See* PEERS.

## PRIVILEGES, COMMITTEE OF

*See* COMMITTEE OF PRIVILEGES.

## PRIVY COUNCIL

Originally the executive organ of government; the administrative powers of the Privy Council declined in the 18th century with the growth of the Cabinet (q.v.), and from the accession of George I its functions have been purely formal. 'The Lords and others of Her Majesty's most Honourable Privy Council' to-day number about 300. They are appointed by letters patent and consist of persons who hold or who have held high political, legal, or ecclesiastical office in Great Britain and other countries of the Commonwealth and Empire, peers and persons distinguished in their professions. All Cabinet Ministers are included by convention, the two archbishops by prescription, and others (e.g., the Speaker of the House of Commons, the Lord Chief Justice, and leading statesmen from Commonwealth countries overseas) by custom. A Privy Councillor, who must be a British subject, is required to take the special Privy Councillor's oath in addition to the oath of allegiance. He is liable to dismissal from the Council by the Sovereign, but such drastic action is rarely taken, the last such occasion being in 1921. Until 1707 a Privy Councillor remained in office for the duration of the Sovereign's life. The Succession to the Crown Act of that year extended the period of office for six months following the Sovereign's death, and since the Demise of the Crown Act, 1901, it has been customary for the new Sovereign to renew the appointment.

The main function of the Privy Council to-day is to give formal effect to Proclamations and Orders in Council, which are issued by the Crown under prerogative or statutory powers. Such instruments are enacted 'by and with the advice of Her Majesty's Privy Council',

but in actual fact the Crown acts on the advice of the Government in the exercise of the prerogative, and where statutory provision exists the power has, of course, been authorized by Parliament through an Act of Parliament. Proclamations are issued for such matters as proroguing, dissolving, and summoning Parliament and declaring war or peace. Orders in Council may be legislative, executive, or judicial in effect. They are generally issued under powers conferred by statute, and may provide for anything from a colonial Constitution to the setting up of a government department. A Privy Council is called for certain ceremonial occasions, such as the acceptance of office by a newly appointed minister, as well as for the purposes described above.

When a meeting of the Council takes place, only those Privy Councillors who are summoned attend, the quorum being 3. The usual number summoned is 4, being the ministers concerned with the matter which is to be dealt with. The Queen presides, and the meeting is attended by the Clerk to the Council who authenticates Her Majesty's assent to a measure with his own signature. He also records the names of the Councillors present, who are responsible for the business transacted. Unless the Sovereign or a royal deputy is present at a meeting of Privy Councillors, that meeting cannot be said to constitute a Council but only a committee. There are a number of Standing Committees of the Privy Council, including the important Judicial Committee. Committees are also set up for specific purposes such as the consideration of a petition for the grant of a Royal Charter. Some committees exercise advisory functions on matters relating to the Channel Islands, the universities, and the conferring of honours; others exist to direct various fields of research. The Judicial Committee was constituted by statute in 1833 'for the better administration of justice in His Majesty's Privy Council'. It has inherited what survives of the ancient judicial powers of the Privy Council, and has appellate jurisdiction from the Courts of the Channel Islands, the Isle of Man, and the Colonies (originally called 'foreign plantations'), the Ecclesiastical Courts, the Admiralty Court, and the Prize Court.

The Privy Council, in common with the other institutions of central government excepting the House of Commons, is descended from the ancient *Curia Regis* (q.v.), and became a distinct body by the end of the 14th century. At first it was a heterogeneous assembly, including among its members the Great Officers of State, officials of the royal household, judges, lawyers, barons of the Exchequer, and a varying number of the nobility both lay and ecclesiastical. Most of the work of government was performed by the officials and the King's favourites, but the insistence of the barons upon a stronger measure of power for themselves led to a series of struggles for domination until the end of the reign of Edward III. With the accession of Richard II, due to the King's minority and the closer parliamentary control over its com-

## Privy Council

position, the Privy Council became a more defined body. By the end of the reign of Henry V it had acquired a very different character from that of the earlier councils, and during the reign of Henry VI, due again to the close parliamentary control which resulted from the King's minority, its composition became very strictly defined. It usually consisted of the Chancellor, the Lord Treasurer, the Keeper of the Privy Seal, the Chamberlain, the Steward of the Household, the 2 archbishops, and from 10 to 15 other members. Others distinguished in law and other branches of knowledge were also occasionally summoned. During Henry VI's minority this Council governed the country. But the civil strife which rent the country during this unfortunate reign eventually brought about the disintegration of the Council, which was not revived until the advent of the Tudors, when Henry VII reformed it as an instrument of the Crown. In the reign of Henry VIII a distinction was drawn between Privy Councillors and 'ordinary councillors'. The latter were men of inferior rank who were chosen for their learning and ability but were not accorded the full status of a Privy Councillor. This distinction probably bears some relation to the separation, which becomes apparent at this time, of the executive and the judicial functions of the Council. To quote Professor Baldwin, 'Henceforth the monarchy was generally successful in maintaining two co-ordinate boards working simultaneously. The one following the King was commonly known as the "council at court", while the other continued to be called "the King's Council in the Star Chamber"' (i.e., the Court of Star Chamber). The former body continued to be known as the Privy Council. The Court of Star Chamber and other special courts which were created during this period, including the Court of High Commission and the Court of Requests, evolved from the King's Council in its judicial capacity. With the accession of the Stuarts there arose the great constitutional conflict between the Crown and Parliament and these courts of arbitrary jurisdiction were singled out for attack as being associated with the much abused Royal Prerogative. In 1641 the Long Parliament abolished both the Court of Star Chamber and the Court of High Commission by statute. The Civil War swept away the administrative system as it had hitherto existed with all the other accoutrements of royalty, but the Privy Council, although it fell into abeyance, was never legally abolished. It was revived as a functioning body at the Restoration when its members were drawn from the Commons as well as from the peerage and clergy. Henceforward the numerical strength of the Council steadily increased, a process which was accompanied by a corresponding decline in its powers. The emergence of the Cabinet system at length eclipsed the Privy Council as an executive organ, although there was an attempt in the Act of Settlement (q.v.) of 1701 to restore the Council to its lost position. But the Cabinet maintained its

pre-eminence and had completely usurped the functions of the Privy Council by the time the first Hanoverian monarch ascended the Throne of England.

A Privy Councillor is entitled to the prefix 'The Right Honourable' and to use the initials 'P.C.' after his name. In Parliament it has long been the custom to accord priority to Privy Councillors wishing to speak in a debate, although it lies within the Speaker's discretion as to whether or not they are called (see, Speaker's ruling of 5 March 1953: Commons Hansard, Vol. 512, col. 567). A Privy Councillor's motion, like that of a member of the Government, requires no seconder.

**THE PRIVY COUNCIL FOR CANADA.** Canada is the only Commonwealth country other than the United Kingdom with a body known as a Privy Council. It consists of about 70 members, most of whom are present and former Ministers of the Crown. They are sworn members of the Privy Council by the Governor-General on the advice of the Prime Minister and retain their membership for life. The Privy Council of Canada does not meet as a functioning body and its constitutional responsibilities are discharged by the ministers constituting the Cabinet of the day. The Prime Minister of Canada is the president of the Privy Council for Canada. Members of the Privy Council for Canada are not entitled to the prefix 'The Right Honourable' unless they are also members of the United Kingdom Privy Council.

(Further reading: Fitzroy, *History of the Privy Council*, 1928.)

## PRIVY SEAL, LORD

See LORD PRIVY SEAL.

## PROCEDURE

Lord Canning, a former Clerk of the House of Commons, has pointed out that parliamentary procedure is a combination of two elements, the traditional and the democratic. The latter is a growth of the last century and is embodied in the Standing Orders (q.v.), while the former is the 'practice of the House'—the body of rules and precedents which grew up during the early and middle periods of Parliament. It is this 'ancient practice' and not the Standing Orders which remains the essential basis of procedure.

The greater part of the rules which govern debate and regulate behaviour in the House were well established by the beginning of the 17th century, but they tended more to protect minorities and the individual member than to facilitate the business of the House. The Standing Orders introduced from 1832 onwards were really amendments to the established practice and not a separate code. Their effect was to prevent the obstruction of business, and gradually to introduce more efficient methods of forcing the ever-increasing volume of

business through the House. Methods which were employed by small groups to bring the business of the majority to a standstill included the discussion of petitions (abolished by Standing Order in 1842), the moving of dilatory motions (q.v.), and talking at length on non-contentious subjects in order to delay progress on more obnoxious items. In addition to suppressing these obstructive devices, the amendments to the rules enabled the House to get through more business by means of the 'guillotine' and closure (qq.v.), and the extended use from 1907 of Standing Committees (q.v.) to take the committee stages of Bills. The system of 'allotted days' (see SUPPLY DAYS) introduced by Balfour in 1896 cut short the time taken for the discussion of financial votes, and in 1881 the discretionary powers of the Chair to limit debate were increased. In brief, therefore, procedure in the House is based on practice, the Standing Orders, and Speakers' Rulings (q.v.) which are interpretations of Standing Orders.

Successive Clerks of the House of Commons have rendered invaluable services to Parliament by codifying its practice and procedure. The first authoritative manual was produced by Henry Elsynge, who held the office during the early years of the Long Parliament. His successor, Henry Scobell, provided in his *Memorials* the main authority for 17th-century procedure. John Hatsell's *Precedents* form the standard authority on 18th-century procedure, whilst Sir Thomas Erskine May's famous *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* has been the standard work on the subject since the first edition appeared in 1844. Lord Campion, in addition to editing the 14th and 15th editions of Erskine May, has made a number of valuable contributions to the literature of the subject, including his *Introduction to the Procedure of the House of Commons*.

As the result of the report of the Select Committee on Procedure which was presented to the House of Commons in 1946, far-reaching changes were made in the procedure of the lower House. To quote from Lord Campion's preface to the 15th edition of Erskine May, 'Partly in the light of wartime experience, the procedure relating to the sittings of Parliament, Questions, motions for the adjournment of the House, the business of Supply, the reception of notices, the machinery of the guillotine, and the constitution and functions of standing committees, was overhauled and adapted to present conditions. Other changes were made on the initiative of the Government with the familiar purpose of expediting business and cutting down the stages of bills and financial resolutions'. More detailed accounts of the machinery of procedure will be found under separate and more specific headings.

The procedure of the House of Lords differs in many respects from that of the House of Commons, although until the 19th century it was much the same so far as the freedom and elasticity afforded by the

'ancient practice' was concerned. The most striking difference is to be found in the rules of debate and the maintenance of order, and this arises from the difference in the position of the Speaker (q.v.) and that of the Lord Chancellor (q.v.). Legislative procedure is much the same in both Houses. Bills are required to pass through the same stages, but certain differences have developed. In the Lords a peer can introduce a Bill without obtaining the leave of the House and move its first reading. The deliberative functions of the Lords are carried out by debates arising out of resolutions, motions, or questions. Debates may take place on a question addressed to the Government although there is no motion before the House, but the more important debates take place on resolutions or on 'motions for papers' (q.v.), a formula which is adopted when it is desired to debate a subject without proposing any specific resolution on it. The mover then has the right of reply at the conclusion of the debate as there is a motion before the House. Recent innovations include the institution of 'starred questions' asked for the purpose of obtaining specific information. An interesting simplification of House of Commons procedure has been introduced in the form of the question by which amendments are put. Under the former procedure, where the amendment was for the omission of certain words from a clause, the rather confusing question was put, 'that the words proposed to be left out stand part of the clause'. Now in all amendments the simpler question is put, 'that this amendment be agreed to', each amendment being treated as self-contained.

Procedure in the other Parliaments of the Commonwealth is based on that of the House of Commons with variations which depend on the size of the legislature and other local conditions. Further information will be found under the appropriate country headings.

## PROCEDURE, FINANCIAL

Under this heading only a general outline of financial procedure is attempted. Further details will be found under the headings referred to in the course of this account.

For the sake of clarity it may be convenient to tabulate the basic features of financial procedure:

(1) The House of Commons has exclusive control over financial business and all financial legislation is initiated in that House (*see PRIVILEGE, FINANCIAL*). The House of Lords is not empowered to amend a Money Bill (q.v.) and since the passing of the Parliament Act, 1911, the rejection of such a Bill by the upper House would have no effect.

(2) The granting of public money and the imposition of taxation are strictly the functions of Parliament, but they can only be proposed on the Queen's Recommendation (q.v.) which is signified in the House by a Minister of the Crown. The effect of the Queen's

## Procedure, Financial

**Recommendation**, which is of course made on the advice of her ministers, is to restrict the initiation of financial proposals to Her Majesty's Government.

(3) Any granting of public money or imposition of taxation must be founded on a resolution of a Committee of the Whole House (q.v.). Such a resolution must be reported and agreed to by the House with the Speaker in the Chair. Before it can take effect, however, its provisions must be reintroduced in the form of a Bill which is required to pass through the same stages as any other Public Bill (*see BILL, PASSAGE OF*).

(4) The two main Committees of the Whole House concerned with financial business are the Committee of Supply and the Committee of Ways and Means. They are set up early in the session and on their resolutions the great financial Bills of the year are founded. The function of the Committee of Supply is to sanction expenditure. The Committee of Ways and Means has two functions: to approve the issue from the Consolidated Fund (q.v.) of the sums voted in Committee of Supply for the needs of the public service, and to authorize taxation (*see SUPPLY and WAYS AND MEANS*).

(5) By ancient right the Commons are entitled to bring forward and discuss their grievances very fully before agreeing to the grant of Supply. Thus the scope of a financial debate tends to be very wide as members enjoy considerable latitude in the choice of matters on which they are permitted to speak. Before going into Committee of Supply on the various branches of the Estimates (q.v.) for a new financial year it is the custom to hold a debate on the motion to 'get the Speaker out of the Chair'. The debate is not actually concerned with the question of the Speaker leaving the Chair but merely provides an opportunity for raising a variety of matters unconnected with Supply in accordance with the Commons' ancient right.

(6) In view of the foregoing it is obvious that some time limit must be set upon these discussions and a system of closure (q.v.) operates in Committee of Supply. Under present procedure twenty-six whole days, which must fall before 5 August, are allotted for the purpose of Supply. (*See SUPPLY DAYS*.)

(7) Parliament budgets for each financial year quite separately, and any surpluses must be paid back into the Exchequer at the end of the year and not carried over into the next. The parliamentary session, however, overlaps the financial year, which begins on 1 April. Consequently, one session is concerned with both the current and the forthcoming financial year, and, if there are any Excess Votes to be considered, with the previous financial year as well.

(8) The main features of the financial system are the Consolidated Fund, described by Campion as 'the reservoir into which all revenue flows and from which all expenditure issues'; the Estimates, which are



detailed statements, prepared by the various departments of the civil and the three armed services, of the sums of money which are estimated to be required for the forthcoming year and the purposes for which they are required; the Supplementary Estimates (*see ESTIMATES*) which are prepared by those departments which find they have underestimated in the main Estimates and which must be submitted to Parliament *before* the end of the financial year; Votes on Account (*see ESTIMATES*), or provisional Estimates which are designed to meet the immediate needs of the public service and to cover the period from the beginning of the financial year until such time as the main Estimates are finally passed; and Excess Votes (*see ESTIMATES*) which must be passed in the event of departments overspending to legalize the deficit from the previous financial year. Votes of Credit (*see ESTIMATES*) are a feature of wartime financial procedure, and are sums of money voted for unspecified purposes.

(9) The two main financial statutes of the year are the Finance Act (q.v.) which incorporates the Budget (q.v.) proposals and the Appropriation Act (q.v.) which gives statutory authority to the Estimates. Prior to the Appropriation Act there is always a Consolidated Fund Act (q.v.) which must be passed to legalize the Votes on Account. If the financial business of the year is particularly heavy more than one such Act may be required.

(10) The House appoints two important financial committees (not of the whole House) which deliberate regularly and report to the House. The Committee of Public Accounts (q.v.) is established as a permanent committee by Standing Order, and its function is to examine the Appropriation Accounts of past financial years and the reports thereon of the Comptroller and Auditor General (q.v.), and to draw the attention of the House to any extravagances and anomalies. The Select Committee on Estimates (q.v.) is appointed annually (although during the war years its place was taken by the Select Committee on National Expenditure) and its function is to examine the Estimates in detail as soon as they are presented, such rigid scrutiny being impractical in Committee of Supply.

If the facts enumerated above are borne in mind, the course of the financial procedure for a session may be outlined as follows:

During the course of her speech opening Parliament (the Opening usually takes place during the autumn) the Queen will inform the Commons that 'The Estimates for the Public Service will be laid before you'. One of the Commons' first acts of the session, after the debate on the address in reply to the Queen's speech has been concluded, is to set up the two financial Committees of the Whole House, the Committee of Supply and the Committee of Ways and Means. The first financial business of the session is the concern of the former committee which proceeds to the consideration of the Supplementary

## Procedure, Financial

Estimates for the current financial year and Excess Votes, if any, for the previous financial year. Debate is restricted in these cases to the financial matters under consideration, for the right of discussing 'grievances before Supply' can only be exercised when the main provisions for a new financial year are presented for the approval of the House. Thus, for the initial financial business of a session the House resolves itself automatically into Committee of Supply upon the Order of the Day being read, and there is no opportunity for debating a motion to 'get the Speaker out of the Chair'. Under present procedure the time spent on Supplementary Estimates and Excess Votes is included in the twenty-six allotted Supply days. Under the old procedure, when twenty days were allotted to Supply, these matters were excluded from the time limit and there was no means of controlling the length of the debates upon them.

The Supplementary Estimates and Excess Votes having been disposed of, the Committee of Supply can proceed to consider the provision for the forthcoming financial year, and from here on members enjoy great freedom of debate. The Votes on Account are first considered and must be passed before 1 April when the new financial year begins, for it is essential to supply the civil and the three armed services with sufficient funds to carry on with. The first closure must therefore operate before 31 March. Prior to the session of 1947-8, however, the Government were not protected by this 'guillotine' (q.v.) and although the passage of the main Estimates was assured by the August 'guillotine' the Votes on Account were vulnerable to delaying tactics. When the first closure is applied the question is put without further debate on all Votes on Account, Supplementary Estimates, and Excess Votes which have not yet been passed. One further day is allotted to the consideration of the resolutions passed in Committee of Supply on report in the House. At the end of the day the same closure procedure is followed. Although debate is not permitted after the closure has been applied it is, of course, open to members to vote against any or all of the proposals both in Committee of Supply and in the House.

The first financial resolutions of the session having been agreed to in Committee of Supply and on report in the House, the Committee of Ways and Means must now take a hand in the proceedings. Before the resolutions can receive statutory confirmation it is necessary for the Committee of Ways and Means to approve of the issue from the Consolidated Fund of the sums so far sanctioned in Committee of Supply for the use of the public service. This is a purely formal process, however, and once approval has been given the resolutions are incorporated in the first financial Bill of the session, the Consolidated Fund (No. 1) Bill. The terms of the Bill are simple, merely empowering the Treasury to spend the sums of money voted in the Committees of Supply and Ways and Means. The passage of this Bill

is usually quite swift, but again the debate upon it may be very wide in scope.

Upon the first Consolidated Fund Bill becoming an Act the immediate needs of the public service are provided for, and the Committee of Supply and the Committee of Ways and Means can proceed in more leisurely manner to the main financial business of the year. Discussion of the main Estimates will continue in Committee of Supply, but before going into committee the motion, 'That the Speaker do now leave the Chair', provides an opportunity for a very discursive debate either on the motion or upon amendments thereto, during the course of which many subjects may be raised. Eventually, the motion is agreed to, amendments having normally been either defeated or withdrawn, and the Speaker leaves the Chair. The debate in Committee of Supply on the Estimates themselves covers as wide a field as the debate on 'getting the Speaker out of the Chair'. Amendments may be moved to the individual votes which, while they must observe a measure of relevance, usually serve merely as a peg on which to hang a debate on a particular subject. It is the privilege of the Opposition to select the subjects for discussion in these debates. It will be remembered that detailed consideration of the actual sums of money voted for various purposes is the function of the Select Committee on Estimates, whose reports are considered in Committee of Supply. Reference should be made at this stage to a common practice during Supply debates which is often misunderstood. It may be that a member considers the provision which has been made under a certain head to be inadequate. As has already been stated, he would be out of order in attempting to move an increase in the vote but he is at liberty to move a reduction. Obviously the last thing he wishes is for the provision to be reduced, but such an amendment may be moved to enable the matter to be discussed. The practice has no financial significance whatever, but it has unfortunately been misrepresented at times for political ends. The procedure for putting the question on amendments in Supply debates differs from the normal procedure (*see* AMENDMENTS). The Chairman merely puts the question as amended, the process described under the heading referred to being dispensed with. Consideration of the main Estimates thus continues until the twenty-six allotted Supply days have run their course and the August closure comes into operation.

Meanwhile, the Committee of Ways and Means, having authorized the initial grant of money to the public service which was legalized by the first Consolidated Fund Act, has proceeded to the consideration of ways and means to raise more money to replenish the Consolidated Fund. The basis of the committee's deliberations is that item of parliamentary business which arouses more discussion outside Parliament than any other, namely, the Budget. It is introduced by the Chancellor of the Exchequer (q.v.) in Committee of Ways and Means,

## Procedure, Financial

it being the function of that committee to consider and approve all taxation proposals. The next few days are usually devoted to a general debate on the Budget, and once again the subject matter of the debate roams wide. On the conclusion of the Financial Statement (or Budget speech) it is the practice for the Chairman of Ways and Means to put the question on all the Budget resolutions except the last one, which serves as the peg for the entire debate. When the debate is concluded the Budget resolutions are reported from the Committee of Ways and Means to the House with the Speaker in the Chair and further debate ensues. After being approved (as of course they normally are approved) in the House they are incorporated into the annual Finance Bill which has yet to be passed before the Budget proposals can become law. The second reading of this Bill provides yet another opportunity for wide and discursive debate, and the entire financial policy of the Government generally comes under review. Eventually the Finance Bill will pass through all its stages and become an Act (if it was by any chance rejected it would, of course, constitute a major defeat for the Government involving its resignation).

The Committee of Ways and Means has yet another function to perform before the main financial business of the session is completed. After the Supply debates have been terminated by the closure, the Committee of Ways and Means must authorize the issue of the money voted by the Committee of Supply, and upon this authorization is based the Consolidated Fund (Appropriation) Bill which makes legal provision for the sums put forward in the main Estimates. This differs from other Consolidated Fund Bills in that it details the purposes for which the money is to be used (to a certain extent it reproduces the Estimates themselves), and on receiving the Royal Assent (q.v.) it becomes known as the Appropriation Act. The Act confers a power on the Army, Navy, and Air Force which it does not allow the civil departments. This power, known as 'virement', enables a service department to transfer money from one vote to another as the need arises. Civil departments are permitted to transfer money between items within an individual vote, but the wider power is not considered to be justified.

To ensure that the funds made available to the civil departments and the three armed services are utilized in the manner specified by the Appropriation Act, an annual audit of the accounts of all departments is carried out by the Comptroller and Auditor General, who reports his findings to the House. The report of the Comptroller and Auditor General, together with the Appropriation Accounts themselves, are referred to the Committee of Public Accounts. The committee subjects the report and the accounts to the most rigid scrutiny and examines witnesses from the departments themselves. The committee reports to the House and its reports are considered in Committee of Supply.

There remains one feature of the financial process over which Parliament's control is limited and that is the matter of borrowing. Borrowing is authorized in the Appropriation and Consolidated Fund Acts, a necessary provision since the incoming revenue does not replenish the Consolidated Fund fast enough to meet the frequent demands upon its reserves. The only limit which is specified to these loans is that they must not exceed the total sum appropriated by the Act. Furthermore, certain payments, known as Consolidated Fund Services, are paid directly from the Consolidated Fund under permanent legislation and do not require regular parliamentary approval; these include payments of interest on the National Debt which, owing to enormous emergency loans due to the War and other factors and the fluctuating rate of interest, which has at times been very high, imposes a heavy liability upon the nation. In these matters Parliament is forced to allow considerable freedom of action to the executive, for under present-day conditions it would not be feasible to restrict its financial activities too severely.

### PRODUCTION, MINISTER OF

Lord Beaverbrook was appointed the first Minister in 1942, with responsibility for war production in accordance with the policy of the Minister of Defence and the War Cabinet. It included the allocation of available resources of productive capacity and raw materials (including arrangements for their import), the settlement of priorities of production where necessary, and the supervision and guidance of the various departments and branches of departments concerned. Lord Beaverbrook was very shortly succeeded by Oliver Lyttelton (afterwards Lord Chandos), who remained in office until the forming of the Caretaker Government in May 1945, when he combined it with that of President of the Board of Trade. The office was abolished when the Labour Government was returned later in the same year. When the Ministry of Defence was created in 1946 a Ministerial Production Committee was appointed.

### PROPORTIONAL REPRESENTATION

A method of representation which is designed to secure the election of candidates in proportion to the numerical strength of each section of political opinion, thus accurately reflecting the political feeling of the country in Parliament. The system was advocated by John Stuart Mill, who maintained that no form of representation was truly democratic unless all minorities were represented in accordance with the measure of support they could command. Proportional representation has never been introduced into the United Kingdom (except in respect of some of the late university constituencies), but the Proportional Representation Society since its foundation in 1884 has been pressing

## Proportional Representation

for its introduction, and the matter has at various times been discussed.

Any system of proportional representation which is to fulfil the aims of Mill and the Proportional Representation Society depends on large constituencies returning several members, but modified forms can be applied to the single-member constituency. A system which has been used in France, provides for a second ballot in the event of the candidate at the top of the poll failing to secure an absolute majority; the candidates at the bottom of the poll are eliminated and the first and second candidates engage in a further contest. The Commonwealth of Australia and some Australian States use the system of the alternative or preferential vote, which provides for a single ballot in which the voter numbers the candidates in the order of his preference. The bottom candidates are eliminated and their votes are distributed amongst the others according to the preferences indicated on the eliminated ballot papers. In 1957 the alternative vote was adopted in Southern Rhodesia.

The system advocated by most supporters of proportional representation in England is that of the single transferable vote, a system which requires constituencies returning more than one member. It operates in the State of Tasmania and in Eire, and was also used, before their abolition, in those university constituencies which returned more than one member. The elector has one vote only, but as with the alternative vote, he may indicate his choice of candidates in the order of his preference. All candidates who poll the necessary minimum quota of votes are declared elected; for instance, in a constituency returning three members the quota would be one-quarter of the votes cast plus one, for three other candidates could not each have more; similarly, in a four-member constituency the quota would be one-fifth of the votes plus one and in a five-member constituency one more than a sixth, and so on. The surplus votes cast for the candidate or candidates at the top of the poll go to swell the totals of the other candidates according to the preferences indicated on the ballot papers. Candidates at the bottom of the poll are eliminated and their votes are distributed amongst the other candidates according to the preferences indicated, the process of elimination continuing until the number of candidates remaining in the poll is reduced to the number of vacancies.

The advantage of this method over the present system may be demonstrated by means of a simple example. Let us assume that the imaginary county borough of Barchester is divided into ten divisions for the purposes of parliamentary representation and that the total electorate is 500,000, comprising 250,000 Conservative voters, 200,000 Labour voters, and 50,000 Liberal voters. Under the present system the Conservative candidates could quite conceivably win all 10 Barchester seats, in some cases by very slender majorities; on the other hand, they might possibly win less than half the seats through their

## Proportional Representation

votes being concentrated into heavy majorities in those areas where they command most of their support. The Liberal candidates would stand little chance of winning any seats. Proportional representation would obviate these possibilities. Barchester would become a single constituency returning 10 members, and by the use of the single transferable vote the successful candidates would reflect the political feeling of Barchester; in other words, the constituency would return 5 Conservative members, 4 Labour members, and 1 Liberal member. This example is, of course, simple in the extreme, but it serves to illustrate the system's basic claim to consideration.

A further form of proportional representation is the list system which is used in several European countries. Its characteristic feature is the presentation of lists of candidates by the various party organizations. Under this system the vote has a twofold significance: in the first place, it is a vote for a party, and is used for determining the number of seats to be allotted to each party; in the second place, it is a vote for a particular candidate or selection of candidates from a party list. The detailed operation of the list system varies widely, and a full description is beyond the scope of this work.

The main advantages which have been claimed for proportional representation are as follows:

It would ensure fair and accurate representation of the people. Under the present system any but the stronger minorities are virtually disfranchised, the result of an election is influenced by the drawing of constituency boundaries, and it is not unusual for a minority of voters to return a majority of representatives or a small majority of voters to return an overwhelming majority of representatives.

It would widen the choice of the electors, and where a particular candidate was unacceptable, would provide an alternative choice without detriment to the interests of the political party concerned.

It would strengthen the House of Commons by ensuring the election of the ablest men of all parties and reducing the influence of party organizations in the House.

It would ensure that no votes were wasted at an election, as surplus votes and votes for unsuccessful candidates would be redistributed.

The main arguments which have been used against the system are:

It would reduce the personal contact between the member and his constituency.

It would be prejudicial to stable government in that it would tend to do away with the broad-based political party and encourage the rise of splinter parties and the formation into separate groups of each varying shade of opinion. The tendency of the present system to return a party with a majority disproportionate to the size of its poll is in the interests of stable government and is therefore an asset rather than a disadvantage.

## Prorogation

It would improve the chances of the isolated crank or fanatic entering Parliament.

Its advantages would be limited to General Elections as the system could not be applied to by-elections.

It is altogether too complex a system, and is liable to confuse the voter and impose an undue burden on the Returning Officer.

(Further reading: Humphreys, *Proportional representation*, 1911; Lakeman & Lambert, *Voting in democracies*, 1955.)

## PROROGATION

A session of Parliament is terminated by prorogation, Parliament being prorogued by exercise of the Royal Prerogative (q.v.). The prorogation is effected at the close of a session by an announcement made in the House of Lords by commissioners appointed by the Sovereign for that purpose. The prorogation is to a specified date which may either be postponed or advanced by Royal Proclamation issued with the advice of the Privy Council. Parliament can be prorogued by the Sovereign in person, but since 1854 it has always been prorogued by commissioners. Under this procedure a message is sent from the Lords Commissioners to the House of Commons requesting their attendance. The same message may request attendance to hear the Royal Assent given to the last Bills of the session as well as to hear announcement of prorogation. After the Royal Assent has been given, and before the prorogation is announced, the Lord Chancellor reads to both Houses a Speech from the Throne, reviewing the proceedings of the session. The Speaker, followed by the Members of the House of Commons who have attended him at the Bar of the House of Lords, then returns to the Commons Chamber without the Mace preceding him. He takes his seat in the Chair usually occupied by the Clerk of the House and again reads the Speech from the Throne. He then shakes hands with all the members present, but this little ceremony has been omitted in recent years when Parliament is to reassemble after only a short interval.

The effect of a prorogation is at once to suspend all business until Parliament is summoned again. Not only are the sittings ended, but all proceedings pending at the time, except impeachments by the Commons and appeals before the House of Lords, are brought to a close. Every Bill which has not secured a passage through all its stages is required to be reintroduced at the new session if it is to receive further consideration.

## PROTEST BOOK

Members of the House of Lords possess the privilege, when they dissent from any measure which the House accepts, of recording their reasons in the Protest Book kept by the Clerk. The 'protest' is entered



in the Journal of the House, together with the names of all the peers who concur in it. This privilege is restricted to those who were present and voted on the question to which they desire to express their dissent. When the Reform Bill was finally passed by the Lords in 1832, 105 of the opposition peers took advantage of the Protest Book to express their objections to the Bill. The right of protest is not frequently made use of in these days, the last occasion on which it was exercised being in 1950.

### PROVISIONAL ORDER BILL

A Bill to confirm a provisional order issued by a Minister of the Crown under the authority of an Act of Parliament. Provisional order procedure originated with the Public Health Act of 1848 and was introduced as a simplified means of legislating upon matters which would otherwise require the promotion of a Private Bill (q.v.). Its advantages are a saving of parliamentary time and a reduction of the expenses normally incurred in private legislation, but it has been largely superseded, except in Scotland, by an even quicker procedure introduced by the Statutory Orders (Special Procedure) Act, 1945 (*see* SPECIAL PROCEDURE ORDER). The procedure for issuing provisional orders varies and in each case reference must be made to the provisions of the relevant statute. As with a Private Bill a provisional order, which is usually made at the instance of a local authority or other body, must be given adequate publicity and interested parties notified, the responsibility for protecting the interests affected resting with the minister concerned instead of with Parliament. The fact that a power to issue provisional orders exists does not prohibit the promotion of a Private Bill. Once a provisional order has been made the Bill to confirm it may be introduced in either House of Parliament. It is introduced as a Public Bill but the subsequent proceedings on it are similar to those on a Private Bill.

In the case of Scotland a general power is conferred on the Secretary of State for Scotland under the Private Legislation Procedure (Scotland) Act, 1936, to issue a provisional order in regard to any interest in Scotland which could be a matter for private legislation.

### PROVISIONS OF OXFORD

The new Constitution which was drawn up by a commission of 24 members appointed from the so-called Mad Parliament (q.v.) summoned to meet at Oxford in 1258. It established a standing council of 15, with whose advice and consent Henry III was henceforth to exercise all his authority. Thrice in the year another committee of 12 was to treat with the 15 on the common affairs of the realm, and another 24 members of this Parliament were appointed to make grants of money

## Proxy Vote

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to the Crown. All aliens were to be expelled from office, and new ministers and other officials were appointed under stringent conditions. The original 24 were authorized to draw up schemes for the reform of the Royal Household.

## PROXY VOTE

See ELECTIONS.

## PUBLIC ACCOUNTS COMMITTEE

See COMMITTEE OF PUBLIC ACCOUNTS.

## PUBLIC BILL

A Bill which relates to matters of public policy and has a general application over the entire nation, as distinct from a Private Bill (q.v.). In common with the Private Bill, the Public Bill developed from the petition (q.v.). As the Commons came to present their petitions on behalf of the nation as a whole, so their influence upon early legislation increased. The endorsement of the Commons, consisting of the words, *Soit baille aux seigneurs* (a formula which is still inscribed on every Commons Bill before it is sent to the Lords), gave their demands the authority naturally due to a petition which had received the general approval. Nevertheless, the medieval House of Commons was still only a body of petitioners and not legislators. True, they held a decisive weapon in their power to refuse Supply until their grievances had been remedied, and when in 1348 they stipulated that redress of grievances should precede grant of Supply, the pressure thus brought to bear upon the Crown produced concessions more readily. But throughout the 14th century the Commons were constantly complaining that laws made at their request did not correspond to the petitions on which they were based. In 1414 they prayed the King 'that there never be no law made and engrossed as statute and law neither by additions nor discriminations by no manner of term or terms which should change the sentence and the intent asked'. In reply the King conceded that in the future 'nothing be enacted to the petition of the Commons contrary to their asking, whereby they should be bound without their assent'. This led to an important change in the framing of statutes. It became the custom to send to the King not a petition but a statute in draft which could be accepted or rejected but not amended. The Bill thus replaced the petition, and by the end of the reign of Henry VI the practice had become firmly established. The growing importance of the Commons in the framing of legislation was recognized in the reign of Henry VII when the enacting formula of an Act of Parliament (q.v.), which is still in use to-day, was first introduced. (*For matters relating to procedure see BILL, PASSAGE OF.*)

## PUBLIC BILL OFFICE

An office in the House of Commons in the department of the Clerk of the House. It is responsible for all matters relating to Public Bills and for communications with the House of Lords regarding them. It also supplies clerks for Standing Committees and divisions and prepares financial resolutions for use in the Committees of Supply and Ways and Means and the consequential Consolidated Fund Bill. This office arranges ballots for Private Members' Bills and Notices of Motion. A similar office exists in the House of Lords.

## PUBLIC GALLERY

*See* STRANGERS.

## PUBLIC GENERAL ACTS

The statutes of general application which are published in annual volumes by H.M. Stationery Office with the Church Assembly Measures (q.v.) as the Public General Acts and Measures. They are Acts of Parliament (q.v.) which originated as Public Bills (q.v.), and they comprise the bulk of the nation's legislation as finally agreed to by Parliament and assented to by the Sovereign. They do not include Private Acts (q.v.), which originate as Private Bills (q.v.). Until 1798, all Acts, public and private, were published together, but in that year the Public General Acts were distinguished from Local and Personal Acts which have since been published separately.

Owing to the great and ever-expanding bulk of legislation, it becomes necessary from time to time to consolidate the statute law—a mighty task which is carried out under the supervision of the Statute Law Committee appointed by the Lord Chancellor. These consolidations are known as the Statutes Revised. The latest edition, which is the third, brings the law up to date to the end of 1948. Repealed Acts and Private Acts are excluded. It consists of 32 volumes and is supplemented by the annual volumes of Public General Acts and Measures. (Further reading: Hughes, *The British Statute Book*, 1957.)

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## QUEBEC PARLIAMENT

Quebec is the only Canadian Province with a bicameral legislature, the upper House being the Legislative Council and the lower the Legislative Assembly. The Lieutenant-Governor, in the Queen's name, summons, prorogues, and dissolves both Houses and sanctions the Acts passed by them. The Legislative Council consists of 24 members, each representing a specified territorial division, appointed for life by the Lieutenant-Governor, who also chooses a Speaker for the lower House from the members of the Council. The Legislative Assembly has 92 members elected for five years on an adult franchise, women having received the vote in 1940.

The Province of Quebec is represented in the Canadian House of Commons by 75 members and in the Senate by 24 Senators, who represent the same divisions as the Legislative Councillors. Territorial divisions used for the election of Members of the federal House of Commons are not the same as those for Members of the Legislative Assembly.

## QUEEN'S CONSENT

Not to be confused with the Royal Assent (q.v.) to Bills, the Queen's Consent has to be given by a Privy Councillor to Bills (and occasionally amendments) affecting local and personal interests which concern the Royal Prerogative, the hereditary revenue or personal property or interests of the Crown or the Duchy of Cornwall. If there is a Prince of Wales who is of age, his consent is signified in matters affecting the Duchy. The Queen's Consent is usually given on the third reading of such Bills in order that account may be taken of any amendments made before Consent to the whole Bill is given. If the matters affecting the royal interests form the main or a very important part of a Bill, the Communication from the Queen is signified on the second reading. If the Queen's Consent is not obtained for a Bill which requires it, the proceedings on such a Bill are rendered null and void. The constitutional right of the Sovereign to give or withhold the Royal Assent to a Bill is in no way vitiated by her having consented to its being considered.

## QUEENSLAND PARLIAMENT

Formerly a part of New South Wales, Queensland became a separate Colony with responsible government in 1859. It is the only State in Australia with a unicameral legislature, but its Parliament possessed a Legislative Council as well as a Legislative Assembly from 1860 to 1922. Since 1950 there have been 75 members of the Legislative Assembly, 24 from Brisbane, 28 from the southern area outside Brisbane, 13 from North Queensland, and 10 from Western Queensland. Elections are held every three years, and since 1915 voting has been compulsory by all adults who have had three months' residence in the State, six months in Australia, and one month in the electoral district. Women were given the vote in 1905, and first exercised it in the 1907 election. The system of preferential voting was in force until 1942, but after that the candidate who obtained the highest number of votes in the electoral district was elected. The Governor is President of the Executive Council of Ministers, of whom there are 11. The Premier is also Chief Secretary and Vice-President of the Executive Council. The Standing Orders of the Legislative Assembly are based on those of the House of Commons, and when made require the approval of the Governor. The Legislative Assembly did not acquire the powers, privileges, and immunities of the Commons, but only such powers as were necessary to the existence of such a body and the proper exercise of the functions it is intended to execute.

The first meeting of the Queensland Parliament in 1860 was held in the old Military and Convict Barracks, but these somewhat unsuitable premises were only occupied until 1868, when Parliament was summoned to meet in its present fine building. This was completed when the western wing was occupied in 1891.

In August 1957 Queensland elected its first non-Labour government in twenty-five years.

## QUEEN'S RECOMMENDATION

The consideration of all financial business is the function of the House of Commons alone; but the originating of such business is reserved to the Crown. Thus, no expenditure or taxation may be proposed without the Queen's Recommendation, the practical effect of which is to reserve the initiative in financial matters to Her Majesty's Government. The Queen's Recommendation must be signified to the preliminary resolution upon which any financial proposal is based by a Minister of the Crown (q.v.). The Government is as much bound by the terms of the resolution, however, as a private member, and no new or increased charge may be proposed in the form of an amendment.

## Queen's Robing Room

Recommendation of the annual Estimates (q.v.) is given in the Speech from the Throne at the beginning of a session.

• See also FINANCIAL RESOLUTION; PROCEDURE, FINANCIAL.

## QUEEN'S ROBIN ROOM

• From 1941 to 1950 the King's Robing Room, as it then was, was adapted for use as the Chamber of the House of Lords, the peers having given up their own Chamber to the House of Commons after the bombing of the latter in May 1941. It is interesting to record that according to the general opinion the standard of debate in the upper House was improved during this period by the more intimate atmosphere of a smaller Chamber.

The Robing Room is 54 feet long, 37 feet wide, and 25 feet high. It contains a chair of state beneath an impressive canopy of carved oak depicting the rose of England, the thistle of Scotland, the shamrock of Ireland, and Queen Victoria's monogram. The room is decorated with eighteen carved panels by H. Armistead portraying incidents from the Arthurian legends and five fresco paintings by W. Dyce, R.A., also illustrating the legends.

## QUEEN'S SPEECH

See DEBATE ON THE ADDRESS; OPENING OF PARLIAMENT; PROROGATION.

## QUESTION

When a motion has been moved and seconded in the House of Commons, the Chair proposes the question, in the same terms as the motion (with certain recognized exceptions), as the subject of debate. In the House of Lords the question is proposed in the form, 'That the motion be agreed to'. The question is put from the Chair at the conclusion of the debate in order to elicit the decision of the House, and every matter dealt with must be resolved in this manner. No speech is permissible except to a question—or to move or second a motion which becomes a question—and every speech must be confined to the terms of the question.

## QUESTIONS TO MINISTERS

The practice whereby a Member of Parliament can put a question to a minister on a matter concerning his department is universal throughout the British Commonwealth. The late Sir Herbert Williams, who asked about four thousand questions during his parliamentary career, described questions in the House as 'perhaps one of the most powerful implements of democracy in our country'. Questions to ministers cover the whole administration of the country, and range from foreign relations to the individual victim of bureaucracy, so

that it is quite apparent how important they are in enabling the private member to investigate any Government or departmental activity which does not satisfy him. Nothing could more weaken the control of Parliament over the executive than the abolition or curtailment of the right of a Member of Parliament to ask a question in the House, and so important has this method of ventilating grievances become that it has been responsible for a corresponding decline in public petitions. The first formal question to a minister was put in 1721 in the House of Lords and questions first appeared on the order paper in 1835. At first a member could ask any number of questions, but it was later fixed at 8 (1909) and then at 4 (1919) and finally at 3 oral questions in any one day—there is no limit to questions requiring a written answer. To ask his question a member rises when called by name in his turn by the Speaker, and merely says, 'Number . . ., Sir.'

In the British House of Commons Question Time begins not later than 2.45 and finishes not later than 3.30. Two days' notice must be given to allow time for the answer to be prepared by the minister and department concerned. Questions requiring an oral answer are marked with an asterisk on the order paper—otherwise answers, and also answers to questions which are not reached in time, are printed in *Hansard*. As it is not possible for all questions to be answered in the House, their order is so arranged as to give every minister his turn at answering questions orally on certain days each week. The Prime Minister answers questions on specified days only, when Number 45 and subsequent questions are by custom addressed to him. All questions have to be passed and perhaps edited by the Table Office in the House of Commons, and there are a considerable number of rules governing what is and what is not admissible—*Erskine May* lists twenty-nine types of question which are not allowed, including questions affecting the Royal Family. The object of a question is to extract information or press for action, not to seek an expression of opinion from a minister, but it is proper to put a question about the legislative or administrative intentions of his department. Members must not repeat rumours or newspaper gossip in their questions, which must be founded on facts for whose accuracy the member himself takes entire responsibility. One of the most important rules is that questions can only be addressed to a minister who is responsible for the matter of the question and whose department is directly involved. A Minister is not bound to answer a question, but unless there are obvious reasons for not doing so, such as national security, a refusal to answer would create a most unfavourable impression in the House. Difficulties arose in Great Britain over the lack of a minister responsible for the nationalized industries to whom questions could be put. In December 1951 the House of Commons appointed a Select Committee 'to consider the methods by which the House is informed

## Quorum

of the affairs of the Nationalized Industries'. In their Report the committee explained that they concentrated on questions to ministers because 'the Parliamentary Question was the most immediate and convenient way open to Members to obtain information about public matters'.

• A member asking a question, or any other member, is allowed to ask supplementary questions arising out of the answer received, and a member of the Opposition often puts down a question which looks innocent enough, but which gives opportunity for effective scoring against the Government through supplementary questions. However, a minister's department provides him with the ammunition to counter all the obvious 'sups' which may be asked, although it is impossible to prepare for every contingency.

Questions which have not appeared on the order paper, if they are of an urgent character relating to matters of public importance or the arrangement of business, may be taken at the end of Questions if they have been submitted to the Speaker and accepted as satisfying the above conditions. Such questions are known as Private Notice Questions, and the minister concerned must be informed before they can be put.

In the House of Lords questions for oral and written answers are addressed to Her Majesty's Government, and debates may take place on them although there is no motion before the House. A recent innovation is the institution of 'starred' questions, which are those asked in order to obtain specific information. No speech may be made in asking these and no debate may take place upon them, although supplementary questions may be asked. They are strictly limited in number and are confined to Tuesdays and Wednesdays.

(Further reading: Howarth, *Questions in the House*, 1956.)

## QUORUM

In the House of Commons 40 members, including the Speaker, form a quorum. In the House of Lords only 3 peers are needed to form a quorum, although if a division is called upon any stage of a Bill the question is declared not decided unless 30 Lords are present to vote.

In the House of Commons it is the duty of the Speaker to ascertain whether or not a quorum is present before he takes the Chair, after which the House becomes responsible. Under former practice, if, after prayers, the Speaker found there was not a quorum present, he refrained from taking the Chair and waited either until a quorum assembled or until four o'clock when he again counted the House. To-day he takes the Chair and will only count the House if his attention is drawn to the fact that a quorum is not present. If a quorum is not present at four o'clock (1 p.m. on Fridays) he adjourns the House until the next sitting day without putting the question.

If, at any time after he has taken the Chair, the Speaker's attention is



drawn to the fact that fewer than 40 members are present, or notice is taken that there are fewer than 40 members voting in a division, he will direct strangers to withdraw and members are summoned as if for a division. After the expiration of two minutes the Speaker proceeds to count the House, the outer door being kept open meanwhile. If a quorum is not present he will suspend proceedings either until four o'clock or until the required 40 members are assembled. If the House is counted out after four o'clock the Speaker will immediately adjourn the House.

In Committee of the Whole House the Chairman follows the same course if his attention is drawn to the fact that a quorum is not present. When he has ascertained that less than 40 members are assembled he leaves the Chair and the Speaker returns and counts the House. If a quorum has meanwhile been made and the Speaker counts the requisite 40 members the House again goes into committee.

In order to permit members to dine an exception is made between 7.30 and 8.30 p.m. (1.15 and 2.15 p.m. on Fridays), during which time a count may not be taken, but if a division is called during this hour and 40 members are not present to vote, the business must stand over until the next sitting.

If a member wishes to call the Speaker's attention to the fact that a quorum is not present he does so in the following words: 'Mr. Speaker, I beg to take notice that there are not 40 members present.' The Speaker then turns the two-minute sand-glass, the bells are rung throughout the building, and the policemen in the corridors call 'Count!'

The quorum of 40 members is a usage which dates from 1640 and is subject to alteration by resolution of the House. In that year Speaker Lenthall had occasion to complain of the difficulty of constituting a House, remarking on 'the conduct of Members so unworthy to sit in Parliament that could so run forth for their dinners, or to the play-houses and bowling alleys, leaving business of great weight'. On 5 January it was therefore resolved, 'That Mr. Speaker is not to go to his Chair till there be at least forty in the House'. An explanation of why forty was chosen for a quorum, which was advanced at the time, was that it coincided with the number of counties into which England was divided at that period. It was not until 1729 that the House was 'counted out' in consequence of the absence of a quorum.

To-day there are a number of established conventions regarding counts and quorums. For instance, it is contrary to practice to count the House on an adjournment motion at the end of the day. It is also recognized that once the presence of a quorum has been established by a count or division a reasonable period must elapse before another count is called. A 'reasonable period' has been regarded as one hour. A member who has called a count is entitled to absent himself while it takes place.

## Quorum

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In other Commonwealth Parliaments the quorum varies according, usually, to the size of the legislature. The Canadian House of Commons, the New Zealand House of Representatives, and the Ceylon House of Representatives all require 20 members to form a quorum. In the South African House of Assembly a quorum consists of 30 members. The Australian House of Representatives, however, requires one-third of its members for a quorum, and the Standing Orders of this House provide (presumably to facilitate the making of so large a quorum) that at the commencement of the day's business no member may leave the Chamber until a quorum has been made.

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## RADICALS

A term once applied to Members of Parliament who pressed for thorough or radical social reforms, particularly parliamentary and electoral. They formed an extremist section of the Whigs or Liberals, and although they came together to further causes which they supported, such as the Reform Bill and extension of the franchise, they never formed a separate political party. The first use of the word 'radical' in a political sense is attributed to Charles James Fox, who expressed his desire in 1797 for 'radical reform'. However, the birth of Radicalism actually took place thirty years earlier, during the struggle against the increasing domination of Parliament by George III. By 1776 the whole question of the 'rotten' boroughs (q.v.) had been investigated, and it was then that John Wilkes made his contribution to the history of parliamentary reform with his motion in the House of Commons, 'That leave be given to bring in a Bill for a just and equal representation of the people in Parliament'. It was Tom Paine in the two parts of his *Rights of Man* published in 1791 and 1792 who provided the inspiration for working-class Radicalism for the next fifty years. Many Radicals were not quite so revolutionary in their ideas as Paine, and rather favoured Bentham's utilitarian principles. They were all opposed to privilege and patronage in or out of Parliament. Many ultra-Radicals were Dissenters with a strong aversion to ceremonial and the pomp and circumstance which surrounds a monarchy, and after 1832 30 to 50 Radicals were always found to support a motion to reduce the Civil List (q.v.). In the first Parliament to be elected after the passing of the Reform Bill, which the Radicals helped to force through, there were nearly 200 members who might have been described as Radicals, but there were probably not more than 50 who would have voted against the Whigs on any vital issue. Apart from preoccupation with suffrage questions, the Radicals campaigned for the repeal of the Corn Laws and several church reforms. Dissenters were freed from compulsory church rates in 1868 after a struggle which lasted over thirty years, and the abolition of Anglican tests at the universities was achieved in 1871. Other reforms which had been demanded by Radicals for decades were the substitution of the magistrates in the administration of the counties by elected county councils (County Councils Act of 1888), and the more democratic

## Reading Clerk

organization of the smaller local government bodies as carried out in the Local Government Act of 1894. A new statement of Radical policy was embodied in the 'Newcastle Programme' of 1891, but it was overshadowed by the Home Rule dispute and nullified by the return of the Conservatives to power in 1895. The Liberal triumph at the General Election of 1906 was also a victory for the Radicals, and there followed in 1907 the first recognition for income tax of the difference between earned and unearned income, in 1908 the Old Age Pension Act, in 1909-10 the great struggle over the 'People's Budget', regarded as the first step in a new Radical campaign against the landowners, and in 1911 the Parliament Act which reduced the power of the House of Lords. After the First World War, Radical politicians and voters were absorbed by the Labour Party, and the result of Lloyd George's failure to recapture working-class confidence was the disappearance of the Radicals from the British political scene. Most of the reforms they had struggled for had been obtained, and the names of their great men, such as Hume, Grote, Cobden, Bright, and Joseph Chamberlain, will always have an honoured place in the political history of England.

## READING CLERK

A Clerk in the House of Lords who sits at the Table of the House with the Clerk of the Parliaments (q.v.) and the Clerk Assistant. He records attendances of peers, reads aloud the letters patent and writs of summons of newly created peers when they are introduced, and administers the oath. He also reads the commissions for Royal Assent to Bills, prorogation (q.v.), etc.

## READINGS OF BILLS

The stages through which a Bill passes in both Houses of Parliament include a first, second, and third reading. After the first reading Bills are printed and are available to members for study prior to the debate which takes place on the second reading. Before printing was invented Bills were actually read out in full by the Clerk as the only means of informing members of their contents, and this practice extended well into the 18th century, when the distribution of printed copies rendered the reading unnecessary.

*See also* BILL, PASSAGE OF.

## REASONED AMENDMENT

A method of opposing a Bill on second or third reading is to move a reasoned amendment, in which objections to the Bill or reasons for opposing its progress are clearly stated. Unlike the amendment, 'that the Bill be read upon this day six (or three) months', the effect of a reasoned amendment, if carried, is not necessarily one of outright

rejection as the Bill can be brought up again on a subsequent occasion, but Erskine May writes that 'according to modern practice, it would appear to be unlikely that, after a reasoned amendment had been carried on the second or third reading of a Bill, any further progress would be made'.

The categories into which a reasoned amendment may fall are listed by May as follows:

(1) It may be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the Bill;

(2) It may express opinions as to any circumstances connected with the introduction or prosecution of the Bill, or otherwise opposed to its progress;

(3) It may seek further information in relation to the Bill by committees, commissioners, the production of papers or other evidence.

As an example of a reasoned amendment we may instance that which was moved by Sir Winston Churchill on the third reading of the Representation of the People Bill, 1948. To the question, 'That the Bill be now read the Third time', Sir Winston moved the omission of the words after 'that' and the substitution of the following: 'this House, while recognizing the necessity for an equitable scheme of redistribution, declines to give a Third Reading to a Bill which repudiates agreed recommendations of Mr. Speaker's Conference, 1944, and disregards for the purpose of Party advantage the findings of the Boundary Commission, thereby bringing discredit on Ministers of the Crown and lowering the traditional standards of our public life.' (Hansard, Vol. 452, col. 1377.) Sir Winston's first words on speaking to the amendment, 'I rise to move the rejection of this Bill by a reasoned amendment', would seem to substantiate the opinion quoted from Erskine May as to the usual effect of a reasoned amendment.

## RECEIVERS OF PETITIONS

*See* PETITIONS.

## RECESS

The period between a prorogation (q.v.) of Parliament and the opening of a new session, as distinct from the period between a dissolution (q.v.) and the calling of a new Parliament. The term is popularly applied to a period between an adjournment and the resumption of a session, e.g., the parliamentary vacations. Usually the recesses of the House of Lords and House of Commons coincide, but in 1947 the Lords met while the Commons were still in recess.

## RECOMMITTAL OF BILL

*See* BILL, RECOMMITTAL OF.

## Reconciliation Parliament

### RECONCILIATION PARLIAMENT

The third Parliament of the reign of Mary I which met on 12 November 1554 to deal with the question of reuniting England to the Church of Rome. Both Houses made supplication to the Pope beseeching his pardon for their past defection, and out of 360 members in the House of Commons only 2 raised any objection to these proceedings. Later, however, 33 members seceded from the lower House when they realized the full implications of the new policy, an action for which they were duly prosecuted. This Parliament reversed the attainder against Cardinal Pole and in the presence of the Queen both Lords and Commons humbly received absolution from this prelate. The Reconciliation Parliament completely swept away all the ecclesiastical legislation passed during the reign of Henry VIII.

### RECONSTRUCTION, MINISTER OF

Lord Woolton was appointed Minister of Reconstruction in 1943 to assume general direction of the efforts of the government departments in preparing schemes for reconstruction after the War—the switching over of industry from war to peace, and the provision of adequate supplies of food and houses. The Ministry was abolished in 1945 when Lord Woolton became Lord President of the Council. During the First World War the 1st Viscount Addison was appointed Minister of Reconstruction in 1917.

### REDISTRIBUTION OF SEATS

*See* CONSTITUENCY.

### 'RED LETTER' ELECTION

*See* ZINOVIEV LETTER.

### REFERENDUM

The machinery of the referendum has been used in a number of Commonwealth countries—but not in the United Kingdom—to obtain for the Government a direct decision from the electorate on a specific subject involving legislation, and parliamentary voters are entitled to express their opinion by voting for or against the Government's proposition. The referendum has been used in Canada and New Zealand on the question of prohibition, and in Australia to introduce amendments to the Constitution. A referendum was also held in Southern Rhodesia in 1953 which decided that the Colony would form a federation with Northern Rhodesia and Nyasaland. It is argued that the use of the referendum makes the sovereignty of the people a reality, and that the responsibility of making a decision compels them to think carefully of the laws that govern them, but actual experience

shows that the referendum does not create interest in legislation and the percentage of voters who participate is usually small.

Allied to the referendum is the initiative, a system whereby a certain fixed number of voters are entitled to command a legislature to introduce a particular law. One type of initiative, the formulative, allows voters to draft a Bill, and compel the legislature to consider it. The initiative has not been used in the British Commonwealth.

## REFORM

*See* HOUSE OF LORDS REFORM; PARLIAMENTARY REFORM; REFORM ACT; REPRESENTATION; WILLIAM IV AND PARLIAMENT.

## REFORM ACT

The term generally applied to the Representation of the People Act, 1832, the first of a series of statutes which substantially amended the state of the parliamentary representation in the United Kingdom. It provided for a drastic redistribution of seats including the abolition of 56 'rotten' boroughs (q.v.), the enfranchisement of populous towns previously unrepresented, an increase in county representation, the extension of the franchise, and the reduction of election expenses. The measure was carried by Earl Grey's Whig Government after two previous Bills had been rejected by the House of Lords. It radically altered the constitution of the House of Commons although it effected no change in the number of seats.

Strangely enough, this great Liberal measure, which swept away so many electoral abuses, was the first specifically to exclude women from voting. Prior to 1832 the ban on female suffrage had been not statutory but customary, but the Reform Act specifically confined the vote to male persons in all those new boroughs which were created in place of the 'rotten' boroughs.

*See also* REPRESENTATION; WILLIAM IV AND PARLIAMENT.

## REFORMATION PARLIAMENT

The fifth Parliament of Henry VIII and the first of the Reformation. It sat from November 1529 until April 1536, during which time it enacted a volume of statutes to give legal effect to the religious revolution which had been brought about by the King. The Commons seized the legislative initiative and the Lords found themselves compelled to endorse all the measures sent up to them by the lower House, according as they did with the will of the King and of the country at large. In this Parliament the Commons emerged for the first time as the more powerful of the two Houses, and the dissolution of 1536 left the influence of the Lords severely curtailed. In excluding the abbots from the upper House the Reformation Parliament put an end to the dominant influence which the Church had wielded over the legislature.

## Remonstrance

This Parliament has also been termed, by those who disliked its proceedings, the Black Parliament.

## REMONSTRANCE

A form of petition (q.v.) making a declaration of grievances. To be received by either House it had to be respectfully worded and include the proper form of 'prayer', in which the particular object of the petitioner is expressed. However, the use of the word 'remonstrance' was not favoured by Parliament, and a document headed as a remonstrance, although complying with the other requirements, was refused in 1843.

*See also* GRAND REMONSTRANCE.

## REPORTERS' GALLERY

*See* PRESS GALLERY.

## REPORT STAGE

*See* BILL, PASSAGE OF.

## REPRESENTATION

Parliament has been a representative assembly from the earliest times. When the King's Council of the early Middle Ages deliberated, the whole nation was deemed to be present, and when the Commons arrived in Parliament during the 13th century the principle of representation became more than theoretical. The first representatives of the common people were the 2 knights from each shire who were summoned to the Parliament of 1254, and who were the forerunners of our modern county members. In 1265 they were joined by 2 citizens from each city and 2 burgesses from each borough, and thereafter the Commons began to develop as a separate representative body. The Commons have always been elected by the communities, or constituencies, they represent, although the manner of election, distribution of seats, and qualifications for the franchise bear little similarity to-day to the system which operated for four centuries before the passing of the Reform Bill in 1832.

The history of the county franchise is fairly straightforward. The sheriffs of the counties were directed by their writs to cause an election to be held of 2 knights to represent each shire. The knights were elected by the county courts, which were the centres of local administration in feudal England, from amongst their own members. The sheriff, who was in charge of the proceedings, probably determined the manner of election. An Act of 1430, which regulated the county franchise until the Reform Act of 1832, imposed a property qualification on voters, requiring a man to be the owner of freehold land or tenement to the value of 40 shillings a year in order to be eligible for the franchise.



Leascholders and copyholders were excluded. Originally, 37 counties were represented by 74 knights, the counties palatine of Chester and Durham being excluded. The Welsh counties, Monmouthshire, and Chester were enfranchised by Henry VIII, raising the county membership to 90. The Scottish and Irish counties were included in 1707 and 1800 respectively, and on the eve of the Reform Bill there were 114 county constituencies represented by 188 members.

The history of the borough franchise is far more complex. Cities and boroughs were not specified in the sheriff's writ; they were assumed to be known, and it is probable that the places to be so treated were chosen at the discretion of the sheriff. In the 13th and 14th centuries, parliamentary representation was considered a doubtful privilege, and it is likely that towns preferring to remain unrepresented made arrangements with the sheriff accordingly. Later the outlook changed, and there are signs early in the 15th century that the towns were beginning to recognize the advantages of representation. The 16th century saw a rapid increase in the number of boroughs. Many were created by Royal Charter under the Tudor monarchs, whilst others were revived or restored to borough status.

The practice of creating boroughs of insignificant voting strength in order to secure the election of members who could be relied upon to support the policies of the Crown appears to have arisen during the reign of Edward VI. Elizabeth I frequently resorted to this means in her attempts to gain control over parliamentary representation, and her reign produced a profusion of 'pocket' or 'rotten' boroughs as these constituencies came to be called. By the end of her reign there were 374 borough members in the House of Commons as compared with 90 county members. The selection and distribution of parliamentary boroughs were quite arbitrary. The south of England was more heavily represented than the north, and there were dense clusters of boroughs in certain areas. The county of Cornwall was a particularly flagrant example, 18 members being returned for the Liskeard area alone. Even in Elizabeth's reign it was recognized that borough representation was too high, but apart from a few minor attempts to correct them, the abuses in the electoral system remained unchecked until the Reform Act of 1832.

The borough franchise before 1832 was unregulated, inconsistent, and confused, and depended entirely on local custom. The boroughs could be roughly divided into two classes, the 'open' and the 'close'. In the open boroughs the franchise was fairly wide. In the so-called 'scot and lot' boroughs, for instance, anybody liable to pay 'scot' (local dues) or to bear 'lot' (local duties) was entitled to the vote, and broadly speaking this included all rate-payers. In the 'potwalloper' boroughs the franchise was enjoyed by all heads of families. (A 'potwalloper' can roughly be taken to mean a breadwinner, or one not dependent

## Representation

upon any other person for his food.) At the other end of the scale were the 'burgage' boroughs, where the right to vote depended on showing title to a property by the form of tenure known as burgage tenure. Sometimes residence was also a condition, but in other cases, it was neither necessary nor possible. The notorious 'rotten' borough of Old Sarum, where two members were returned by seven voters, consisted of fields which could not even provide a barn to shelter the Returning Officer. Burgages were easily bought and sold as the occasion arose, and where a residence qualification existed a broken-down hovel often sufficed as the qualifying property. Different again were the nomination boroughs, the closest of them all, where the member owed his seat to a patron whose interests he was expected to look after. They consisted of two groups, the 'corporation' boroughs and the 'freemen' boroughs. In the former the franchise was restricted by charter to those, usually self-elected and often non-resident, who belonged to the governing body of the borough. In the latter it was enjoyed only by those who held the freedom of the borough, a privilege which could be acquired by birth, marriage, gift, purchase, and other means. In all nomination boroughs the electorate was an easily controlled body which existed to endorse the choice of the patron. Candidates wishing to be independent of any control could buy their seats. They could be bought and sold quite openly and were even advertised in the Press. The sale of a seat merely amounted to bribery of the patron on the part of the candidate, and of the electors by the patron. The Government itself participated in these transactions, and Treasury boroughs were reserved for those whose election the Government was desirous of securing. In 1830 the average prize for a seat in Parliament appears to have been £6,000. The fact that keen reformers and men of high scruples such as Ricardo, Romilly, Burdett, and Hume bought their seats serves to indicate that this was the only method of entering Parliament which was open to the man who wished to maintain his independence.

In 1793 the Society of the Friends of the People estimated that 51 boroughs with a combined total of less than 1,500 electors were returning 100 members to the Commons. Constituencies of 50 and fewer voters were returning 2 members apiece, whilst growing cities such as Manchester, Birmingham, Leeds, and Sheffield were unrepresented. In some districts twin boroughs existed which had been created originally for the sole purpose of doubling their parliamentary representation, but which were united for all other purposes. Such were Weymouth and Melcombe Regis and East and West Looe. The Cornish fishing village of Bossinney, once a borough, could produce but one elector after an Act of 1782 had disfranchised revenue officers, most of whom had held their appointments as favours in return for their votes. Other 'rotten' boroughs such as Gatton and Old Sarum

are, of course, well known. In 1827 John Wilson Croker estimated that no less than 276 members were returned by patrons. At the end of the 18th century the voters' roll in England was estimated to include only 2 per cent. of the population, and the proportion in Scotland was two voters per thousand head of population.

Such was the state of the electoral system before the passing of the Reform Bill, a system which had been defended by eminent men such as Edmund Burke. Prior to 1832 both Chatham and the younger Pitt had attempted to introduce reforms, and one scheme proposed by the Duke of Richmond in 1786 had even advocated universal adult suffrage. It was not until 1830, however, when a Whig administration was returned pledged to the ideal of reform, that the problem was tackled with the seriousness it required.

The Reform Bill of 1832, which was passed after two previous Bills had been rejected by the Lords, was a milestone in British history, although its immediate effects were not as far-reaching as its supporters had hoped or as its opponents had feared. It did not of itself put an end to all abuse and corruption, but it was a substantial step forward. It set in motion the machinery of reform and paved the way for further progress. It was the inevitable effect of a tide which was sweeping away the old traditions of government, for the unrepresented masses had been by no means voiceless.

The Bill had four main purposes: to redistribute seats, to increase county representation, to extend the franchise, and to reduce election expenses. Before its passing, the House of Commons consisted of 658 seats, made up of 188 county, 465 borough, and 5 university seats. The Reform Bill, and the similar Bills which were passed for Scotland and Ireland in the same year, left the total number of seats unaltered but they were drastically redistributed. Fifty-six 'rotten' boroughs were abolished altogether and 30 were deprived of one member. Of the 143 seats thus obtained, 65 went to the counties, 65 to towns previously unrepresented, and 13 to Scotland and Ireland. The total effect of the redistribution was to reduce the number of members for England from 489 to 471, and to give 29 seats to Wales, 53 to Scotland, and 105 to Ireland, whereas before the numbers had been 24, 45, and 100 respectively. Thus the reformed House of Commons consisted of 253 county, 399 borough, and 6 university members.

The Bill retained the 40-shilling freehold franchise in the counties and enfranchised four new classes: the possessors of the £10 copyhold, the £10 long leaseholders, the £50 short leaseholders, and the occupiers paying a minimum rent of £50 per annum. In the boroughs a uniform franchise was introduced, the vote being given to all householders paying an annual rent of £10. The effect of these provisions was to enfranchise the middle classes. The Bill also introduced the system of registration of voters, and the strength of the electorate which

## Representation

registered for the first time in 1832 was 813,000. It was estimated that this figure represented an increase in the electorate of some 300,000, although allowance was not made for plural voters.

Once the Reform Act, 1832, a much-needed and long overdue measure, had come to the Statute Book, other measures were not long in following. A Bill to abolish the nomination of members by their patrons was passed soon after in 1835. The Representation of the People Act, 1867, was the next important step forward. In the counties it reduced the £10 qualification for copyholders and leaseholders to £5, and enfranchised occupiers of premises with a £12 rateable value. Its effects were far more significant in the boroughs, where the franchise was conferred on all householders and on lodgers paying an annual rent of £10. The vote was thus conferred upon the urban working man, and it is estimated that the strength of the electorate was raised to two millions as a result.

In 1872 the Ballot Act introduced the system of voting by secret ballot. The measure met with serious opposition and was only passed eventually as an experimental law subject to annual renewal. For fifty-five years it was renewed annually by the Expiring Laws Continuance Act of each year before it became established as a permanent measure in 1918. The Ballot Act also removed the distinction between knights, citizens, and burgesses, and classed them all as members.

The next stage in the advance towards universal adult suffrage came with the Representation of the People Act, 1884, and the Redistribution of Seats Act, 1885. By bringing in the householders and lodgers in the counties, and introducing a standard £10 occupation qualification for both boroughs and counties, the former Act established a uniform franchise throughout the country. Just as the Act of 1867 had enfranchised the urban working man, so the Act of 1884 did the same for his rural counterpart. The Act of 1885 raised the number of seats from 658 to 670 and redistributed them more evenly according to the size of the population. As far as possible the country was divided into equal electoral districts each returning a single member. Twenty-seven constituencies, including the City of London and the universities of Oxford, Cambridge, and Dublin, continued to return 2 members. Boroughs with less than 15,000 inhabitants were merged with the county.

The Representation of the People Act, 1918, altered the electoral system fundamentally, and was the most notable advance since the Reform Act. The sweeping changes introduced by the Act included the enfranchisement of women who had reached the age of 30, provided they were local government electors or the wives of local government electors, and the substitution of a simple franchise for the old form, residence or the occupation of business premises for a period of six months being the sole qualification. In addition to his residential vote,

a qualified elector was allowed to exercise either a university vote or a business vote. The Act also made provision for absent voters, enabling them to vote by post or proxy. It modified the system of registration, provided that Returning Officers' expenses (subject to a fixed maximum) be paid out of the Exchequer, and introduced the condition which requires each candidate to deposit £150 with the Returning Officer on nomination day. As a result of the Act the electorate was increased by about 8 millions and the number of seats was raised to 707. The House of Commons remained at this strength until 1922 when the withdrawal of the Southern Irish members reduced the number to 615. It was raised to 640 by the interim revision which preceded the General Election of 1945.

The final disqualifications upon women were removed by the Representation of the People (Equal Franchise) Act, 1928. The Act enfranchised all women upon their reaching the age of 21 on the same conditions as those which applied to men. Thus universal adult suffrage was finally attained, and after the passing of this Act the electorate stood at over 28 millions.

The Representation of the People Act, 1948, abolished the university seats, the business vote, and the twelve remaining double-member constituencies. The Cities of London and Westminster, which previously returned 2 members each, were merged into one constituency. The Act thus put an end to plural voting and established 625 constituencies each returning one member, residence being the sole qualification required by the voter provided he or she is a British subject or citizen of the Republic of Ireland of full age. Prior to the General Election of 1955, the number of constituencies was increased to 630.

To-day the strength of the electorate stands at some 35 millions. Of the 630 members they return to the House of Commons, 335 represent borough constituencies and 295 county constituencies. There are 511 constituencies in England (289 borough, 222 county), 36 in Wales (10 borough, 26 county), 71 in Scotland (32 borough, 39 county), and 12 in Northern Ireland (4 borough, 8 county). The 5 seats added in 1955 all went to England, which previously had 291 borough and 215 county constituencies.

The law relating to elections was consolidated by the Representation of the People Act, 1949.

*See also* ELECTIONS; FRANCHISE; HOUSE OF COMMONS; PARLIAMENTARY REFORM; PROPORTIONAL REPRESENTATION; UNIVERSITY REPRESENTATION.

## REPRESENTATIVE PEERS

Since the Act of Union with Scotland in 1707, the Scottish peerage have elected 16 peers to represent them in the House of Lords who sit

## Reprimand and Admonition

during the life of the Parliament to which they are sent. Scottish peers who are not so elected may not sit in the House of Commons, and since the established Church of Scotland is Presbyterian, no provision was made for spiritual lords. The provisions of the Act of Union with Ireland in 1800 relating to the House of Lords differed in several respects. Twenty-eight representative peers were to be elected for life to the House of Lords, and the rest were eligible for membership of the House of Commons. The number of Irish peers was to be kept to 100, whereas in Scotland no new peerages were to be created. Four Irish spiritual peers were admitted to the House of Lords, but these lost their seats when the Church of Ireland was disestablished in 1869. No election of Irish representative peers has taken place since the constituting of the Irish Free State in 1922, and there are now (1957) only 3.

## REPRIMAND AND ADMONITION

An offender against the privileges of the House of Commons or the House of Lords may be subjected to a reprimand by the Speaker of either House in any case not sufficiently serious to warrant imprisonment. Members receive a reprimand standing in their place, while non-members are brought to the Bar of the House attended by the Serjeant-at-Arms. This punishment was last inflicted in 1947. An admonition is a milder form of reprimand, and was last administered in 1930.

*See also* PRIVILEGE, BREACH OF.

## RESERVATION OF SPEECH

The mover of an Order of the Day or the seconder of a substantive motion (q.v.) may, if he wishes, reserve his speech until later in the debate. It is customary for this intention to be indicated by the member raising his hat whilst seated.

## RESERVED POWERS

The Governor of a Colony or a self-governing Colony has power to reserve certain Bills submitted to him by the legislature by withholding his assent until Her Majesty, through her Secretary of State for the Colonies or Commonwealth Relations, has considered the principles involved. This is a prerogative power of the Crown which is usually embodied in the Colony's Constitution, and its exercise by the Governor may be either obligatory by reason of the subject matter, or discretionary. A colonial Governor has also in most Colonies a positive control of legislation, having reserved powers to enact Bills over the heads of the unofficial majority in the interests of public order, public faith, or other essentials of good government. Apart from those reserved powers delegated to a Governor, the Crown has

## Rhodesia and Nyasaland Federal Parliament

power to legislate by Order in Council and to disallow ordinances already passed. As a result of the recommendations of the Imperial Conferences of 1926 and 1930, embodied in the Statute of Westminster (q.v.), neither the Crown nor the Governor-General retains reserved powers in those Commonwealth countries with full Dominion status.

### RESIGNATION OF SEAT

See CHILTERN HUNDREDS.

### RESOLUTION, FINANCIAL

See FINANCIAL RESOLUTION.

### RESOLUTIONS

See ORDERS AND RESOLUTIONS.

### RESTITUTION BILLS

Bills for the restoration of honours and land, restitution in blood, and the reversing of attainders. Such Bills are always initiated in the House of Lords and are presented to that House by command of the Sovereign. They pass through the ordinary stages of Public Bills (q.v.) and are sent to the House of Commons where they are committed to a Select Committee (q.v.) after second reading. The Royal Assent (q.v.) is signified in the words, *Soit fait comme il est désiré*.

Such Bills are very infrequent and since 1818 there have been only seven: Maxwell's Restitution Bill, 1848; Drummond's (Duke de Melfort's) Restitution Bill, 1853; Lord Lovat's Restitution Bill, 1854; Carnegie's Restitution Bill, 1855; Bruce's Restitution Bill, 1869; Earldom of Mar Restitution Bill, 1885; and Alexander's Restitution Bill, 1916.

### RHODESIA AND NYASALAND FEDERAL PARLIAMENT

The federation of the self-governing Colony of Southern Rhodesia and the Protectorates of Northern Rhodesia and Nyasaland was approved by the House of Commons in March 1953. The Federation is a unique association of states in that Southern Rhodesia has been a self-governing Colony since 1923 and the other territories are British Protectorates and therefore at a very different stage of constitutional advancement. A referendum on the proposed federal scheme was held in Southern Rhodesia in the following April. It resulted in 62.9% of the electorate voting in favour of federation, and in June the British Parliament passed the Rhodesia and Nyasaland Federation Act. This gave the Crown power to establish the Federation by Orders in Council, and the Federation of Rhodesia and Nyasaland (Constitution) Order in Council (S.I. No. 1199) was made on 1 August 1953. The Federation came into existence officially on 23 October 1953, and its

## Rhodesia and Nyasaland Federal Parliament

Constitution, prepared by a Conference of representatives of the three territories and of the Imperial Government held in London during the previous January, established a federal legislature consisting of a Governor-General representing the Queen and a Federal Assembly. The Constitution empowers the Federal Assembly to establish a second chamber should it see fit and to prescribe its functions. The Governor-General is assisted by an Executive Council consisting of the Prime Minister and other ministers whom he may appoint. The Assembly consists of 26 elected members, 6 specially elected African members, and 3 European members charged with special responsibilities for African interests (1 elected in Southern Rhodesia and 2 appointed by the Governors of the other territories). Of the 26 elected members, 14 are elected by Southern Rhodesia, 8 by Northern Rhodesia, and 4 by Nyasaland, and each territory has 2 of the 6 African members. The Federal Government is responsible for the more important economic and financial affairs, defence, external affairs, transport and communications, citizenship, immigration, European education, and other matters of common concern to the three territories. Subjects on which only the Federal Parliament is competent to legislate are included in an exclusive list annexed to the Constitution. The territorial governments deal with native affairs—that is, all matters concerning the day-to-day lives of their African populations—and, amongst other things, local government, industrial relations, mining, and roads other than inter-territorial main roads. Matters which can be the subject of legislation by both federal and territorial governments appear in a concurrent list attached to the Constitution. \*

After the General Election held in December 1953 the first session of the Federal Assembly was opened by the Governor-General on 2 February 1954. Although the Federation is self-governing it has not yet been granted Dominion status (q.v.), and the Governor-General has reserved powers (q.v.) in connexion with Bills passed by the House amending the Constitution, altering the qualifications of electors or parliamentary candidates, or differentiating between Africans and Europeans.

The Constitution provides for an African Affairs Board, which is a Standing Committee of the Federal Assembly comprising the 3 European members representing African interests and 3 of the African members (one from each territory), whose functions are to examine all legislation with a view to deciding whether or not a Bill discriminates adversely against the native population and to advise the Government on matters affecting the interests of Africans. They are empowered to request that a Bill be reserved by the Governor-General 'for the signification of Her Majesty's pleasure' and before any Bill is introduced in the Assembly a copy must be sent to the board and a certificate to that effect laid on the Table of the House.



## Rhodesia and Nyasaland Federal Parliament

The only exception to this procedure occurs when the Governor-General certifies that it is not in the public interest to publish a Bill before its introduction or that it is a measure of extreme urgency. The Governor-General is bound to reserve any measure at the request of the board unless he considers their complaint to be groundless or frivolous, or that it is in the public interest that the Bill should become law.

The Speaker may be chosen from outside Parliament or from among the members, but in the latter case if he wishes to be Speaker he must resign his seat and a by-election follows. Other divergences from House of Commons practice include time limits on speeches similar to those in use in the Southern Rhodesian Parliament (q.v.) and details in financial procedure. Every vote in the Estimates is discussed in detail, and not just those selected by the Opposition as in the House of Commons, and the general debate at the beginning of a session is based on a motion for the House to go into Committee of Supply and not on the address in reply to the Queen's Speech. Bills which involve incidental taxation can proceed without reference to the Committee of Ways and Means by the Governor-General's recommendation being communicated to the House, and only one stage of any Bill can be taken in any one day.

The Constitution provides for its own review, the earliest date at which a conference may be convened for the purpose being 1960. A Bill seeking to amend the Constitution may be introduced prior to that year provided the three territorial legislatures agree to its introduction. Such a Bill must be passed by a two-thirds majority of the Federal Assembly. In July 1957 the Federal Assembly passed an important constitutional amendment Bill to increase the number of its members to 59. The Bill proposes that 6 of the 24 additional members will be Africans elected in the ordinary manner. The existing African members from Northern Rhodesia and Nyasaland, who are specially elected by representative African bodies, will continue to be returned in the same manner as before. The Bill, however, provides for the eventual abolition of purely racial representation by proposing that as and when a number of Africans are elected to Parliament above the specified minimum the latter will be reduced by the same number, the process to continue until all special representation is done away with. Under the Bill the distribution of seats between the territories will be as follows:

Southern Rhodesia: 24 elected members, 4 elected African members, and one elected European member for African interests;

Northern Rhodesia: 14 elected members, 2 elected African members, 2 specially elected African members, and one European member for African interests appointed by the Governor of the territory;

Nyasaland: 6 elected members, 2 elected African members,

## **Richard I (1157–1199)**

specially elected African members, and one European member for African interests appointed by the Governor of the territory.

The African Affairs Board has objected to the Bill on the ground that it is a differentiating measure and it now awaits (1957) the final decision of the British Government. Shortly after the passing of this Bill the Federal Government published its proposals for the federal franchise legislation, the principal feature of which is the provision for two voters' rolls, a general roll and a special roll. Both are open to any race, but the qualifications required for enrolment on the former are much higher than those required for the latter. Voters on the general roll will be entitled to vote for an elected member of unspecified race and an elected African member and (in Southern Rhodesia) the specially elected European member. Voters on the special roll will only be eligible to vote for an elected African member and (in Southern Rhodesia) the specially elected European member.

The Federal Assembly's building occupies part of the grounds of Southern Rhodesia's Legislative Assembly in Salisbury, this city being both the federal and the territorial capital. It is intended eventually to have new Parliament and Government Buildings erected on an elevated site on the west side of Salisbury.

## **RICHARD I (1157–1199)**

Third son of Henry II, crowned King of England on 3 September 1189.

## **RICHARD II (1367–1400)**

Younger son of the Black Prince and grandson of Edward III, succeeded to the throne of England upon his grandfather's death on 21 June 1377. He was deposed by Parliament (q.v.) in 1399 in favour of Henry of Lancaster, son of John of Gaunt, the second monarch to be thus deprived of his crown since the Conquest. Richard's formal resignation was accepted by Parliament on 30 September, he himself dying shortly afterwards in mysterious circumstances.

## **RICHARD III (1452–1485)**

Younger brother of Edward IV, assumed the Crown on 26 June 1483, a Parliament having been persuaded to declare the illegitimacy of Edward V and his younger brother, the sons of Edward IV. He was defeated at Bosworth by Henry Tudor on 22 August 1485, and was himself slain on the battlefield.

## **ROLLS OF PARLIAMENT**

The most ancient parliamentary records in existence. They were commenced in 1278 and continued until 1503, and it is probable that

the principal duty of the Clerk of the Parliaments (q.v.) during those years was to keep the record up to date. The Rolls consist mainly of petitions (q.v.), some of a private but most of them of a public character, and the answers to them. Reports of the actual proceedings of Parliament are included to a lesser extent, but many of the entries are obscure or incomplete, and important events are all too often treated with an exasperating brevity. The opening proceedings, including the Chancellor's speech declaring the cause of summons and the appointment of receivers and triers of petitions, are usually dealt with in some detail. In spite of their shortcomings, however, the Rolls are of considerable value to the historian. They are written partly in Norman French, partly in Latin, and partly in medieval English. In the 18th century (1757-77) they were printed in six folio volumes under the title *Rotuli Parliamentorum*. An index, which provides an excellent guide to the information contained in these ancient chronicles, was published in 1832 by order of the House of Lords.

## ROMAN CATHOLICS IN PARLIAMENT

Roman Catholics had been subject to various penal laws since 1559, and in 1678, following the revelation of the so-called Popish Plot, a Bill was passed which had the effect of excluding them from sitting in either House of Parliament. In 1680 a Bill to exclude the King's brother, the Duke of York (afterwards James II), from the succession on the ground of his Catholic faith was passed by the House of Commons but rejected by the House of Lords by 63 to 30, 14 bishops voting in the majority. James inherited the Crown, but his reign was short-lived, and after the Revolution of 1688 Catholics continued to be excluded from Parliament, not expressly as Roman Catholics but by reason of a passage in the oath of supremacy denying the spiritual and ecclesiastical jurisdiction of the Pope, and a declaration against transubstantiation administered to members before they were permitted to take their seats. The Act of Settlement (q.v.) of 1701 disqualified non-members of the Church of England from succeeding to the throne. Various disabilities of the Catholics were removed by Acts of 1778 and 1791, and in 1793 Irish Catholics were admitted to the franchise. However, it was not until the Irish leader Daniel O'Connell was elected for Clare in 1828 that the question of political emancipation came to a head. The prospect of a rebellion of the Irish Catholics and the security risks of tying up five-sixths of the infantry force of the United Kingdom in Ireland convinced the Government that they would have to yield at last. Peel decided to support the Prime Minister, the Duke of Wellington, and even to conduct through the Commons a measure which he had hitherto consistently opposed. The objections of George IV, a bitter anti-Catholic, were overcome, and the Emancipation Bill was introduced

## 'Rotten' Borough

in the House of Commons by Peel on 5 March 1829. It passed that House by 320 votes to 142, and the Lords by 217 to 112, and received the Royal Assent on 13 April. The Act removed the most serious disabilities and amongst other things it admitted Catholics to the franchise and made it lawful for any Roman Catholic who was a peer or was returned as a Member of the House of Commons to sit and vote in either House respectively. The first Roman Catholic peers to take their seats were the Duke of Norfolk and Lords Dormer and Clifford on 28 April 1829. On 4 May the Earl of Surrey, eldest son of the Duke of Norfolk, took his seat in the Commons for the borough of Horsham, of which his father was the owner—the first Catholic member under the new Act. Daniel O'Connell had hoped to be the first, but as he had been elected in 1828 the Speaker ruled that the Emancipation Act was not retrospective and he would be obliged to take the old oaths of allegiance, abjuration, and supremacy. This of course he refused to do, and the House decreed his election to be null and void. However, he was immediately re-elected and finally took his seat on 4 February 1830.

An Act of 1926 removed most of the disabilities left by the 1829 Act. Those which remain are exclusion from the succession to the throne, exclusion from the offices of Regent, Lord Chancellor, and Keeper of the Great Seal, and exclusion from various ecclesiastical appointments. Roman Catholic priests, in common with the Anglican clergy, may not sit in the House of Commons. There are at present (1957) 46 Catholic peers and 20 Catholic members of the House of Commons.

*See also* GEORGE IV AND PARLIAMENT.

## 'ROTTEN' BOROUGH

The term applied to those parliamentary constituencies, of which there were a large number before the passing of the Reform Bill of 1832, which were entirely at the disposal of patrons, the patron in many instances being the Crown. The term owes its origin to Chatham's description of the borough representation as 'the rotten part of the constitution'. Bribery and corruption at elections flourished openly and shamelessly throughout the 18th and the early part of the 19th centuries. Parliamentary seats were bought and sold without any attempt at concealment of the fact; in some cases they were publicly advertised for sale. In addition to wealthy patrons the purchasers included candidates themselves who wished to be independent and were possessed of the necessary means. The majority of the boroughs were controlled, however, and their representatives were merely the nominees of powerful interests who expected their orders to be obeyed.

Of the more notorious 'rotten' boroughs, Old Sarum, which could

not provide a shelter for the Returning Officer and where 7 voters returned two members, Dunwich, which was half under water and whose 14 voters also returned two members, Gatton with its population of 135, and Bossinney, a Cornish fishing village which, after the disfranchisement of revenue officers in 1782, boasted one voter, may be cited as typical examples. The term 'pocket' borough is also used in reference to such constituencies, no doubt in recognition of the fact that the member was 'in the pocket' of the patron.

*See also* REPRESENTATION.

## ROTULI PARLIAMENTORUM

*See* ROLLS OF PARLIAMENT.

## ROYAL ASSENT

When a Bill has been finally agreed to by both Houses of Parliament it requires the Royal Assent before it becomes an Act of Parliament (q.v.). The Bill becomes an Act and has the force of law immediately the Royal Assent has been signified, unless a specific date has been provided in the Act itself for the commencement of its operation.

The signifying of the Royal Assent is an ancient and interesting ceremony, although the last occasion on which it was given by the Sovereign in person was on 12 August 1854. It is generally given by commission, three or more Lords Commissioners representing the Sovereign. Attired in robes and three-cornered hats and seated on a form between the Throne and the Woolsack in the House of Lords, they command the Gentleman Usher of the Black Rod to inform the Commons that their attendance is desired in the House of Peers to hear the commission read. When the message has been delivered, the Commons immediately suspend their business and headed by the Speaker they proceed to the Bar of the House of Lords. The commission is then read at length by the Reading Clerk (q.v.). The title of each Bill is read by the Clerk of the Crown and the Royal Assent is signified by the Clerk of the Parliaments in Norman French and is so entered in the Journal of the House of Lords. In the case of public and local Acts the Royal Assent is pronounced in the words, *La Reine le veut*, and for personal Acts the formula is *Soit fait comme il est désiré*. Bills for granting aids and supplies to the Crown, that is, Bills involving finance, are carried by the Clerk of the House of Commons, handed to the Clerk of the Parliaments by the Speaker, and receive the Royal Assent before all other Bills, the formula being, *La Reine remercie ses bons sujets, accepte leur benevolence, et ainsi le veut*. This variation in procedure is another symbol of the Commons' declared right in matters of finance. If the Royal Assent were to be denied, the words used would be, *La Reine s'avisera*, but the last

## Royal Assent

occasion on which this power was exercised was in 1707 by Queen Anne. To quote Erskine May, 'The necessity of refusing the Royal Assent is removed by the strict observance of the constitutional principle, that the Crown has no will but that of its Ministers, who only continue to serve in that capacity so long as they retain the confidence of Parliament.' When the Commons have returned to their own Chamber, the Speaker reports that the Royal Assent has been given to certain Acts and this is recorded in the Votes and Proceedings and the Journal of the House of Commons.

Bills awaiting the Royal Assent are kept in the custody of the Clerk of the Parliaments, except Bills for granting aids and supplies to the Crown, which are returned to the Commons after their passage through the Lords. When the necessity arises, the Lord Chancellor receives notice that a commission is required, and the Clerk of the Parliaments then prepares two sets of the titles of all the Bills, one set being for the Clerk of the Crown to insert in the commission and the other for the Sovereign's inspection before signing. Bills for granting aids and supplies to the Crown are placed first, followed by other Public Bills, and finally Private Bills.

Under certain circumstances a Bill can become an Act upon the Royal Assent being given even though it has not been consented to by the House of Lords. Under the Parliament Acts, 1911 and 1949 (q.v.), a Money Bill (q.v.) which, having been passed by the House of Commons and referred to the House of Lords at least one month before the end of the session, is not passed by the Lords without amendment within one month after it has been sent up, may be presented for the Royal Assent; and any other Public Bill may be similarly presented if it has been passed by the House of Commons in two successive sessions and, having been referred to the upper House at least one month before the end of the session, has been rejected by the Lords on both occasions, provided that one year has elapsed between the second reading in the first session and the passing of the Bill for the second time.

The ceremony of the Royal Assent to Bills, as performed in the Mother of Parliaments, is necessarily unique in view of the unique character of the upper House, but a similar procedure is followed in some other Commonwealth Parliaments. In Parliaments consisting of only one Chamber no ceremony is possible, but the Commonwealth's bicameral Parliaments mostly observe the tradition. The Canadian ceremony seems to be that which most closely resembles the original.

In Commonwealth Parliaments overseas, except in those countries where the Queen of England is not recognized as Sovereign, the Royal Assent is signified by the Governor-General or the Governor, as the case may be, on behalf of the Crown. In certain circumstances

a Bill is reserved for the signification of the Royal Assent by the Sovereign; for example, in New Zealand, the Shipping and Seamen Amendment Bill, 1946, was so reserved because it had extra-territorial effect. As a further example, all legislation which is passed by the Legislative Assembly of Southern Rhodesia affecting the native population is reserved in view of the specific reservations in the Constitution of that country.

## ROYAL GALLERY, HOUSE OF LORDS

Built on the site of the ancient White Chamber, the Royal Gallery is 110 feet long, 45 feet wide, and 45 feet high. On the walls are two paintings in the water-glass process by Daniel Maclise, R.A., which he finished in 1865. They represent the meeting of Wellington and Blücher after the Battle of Waterloo and the death of Nelson on board the *Victory*. There are also portraits of Queen Victoria and the Prince Consort, Edward VII and Queen Alexandra, George V and Queen Mary, and statues of earlier Kings and Queens.

The gallery was used for the trials of Earl Russell and Lord de Clifford by their peers in 1901 and 1935, and it has also been the scene of dinners during Imperial Conferences. Field-Marshal Smuts in 1942 and Mr. Mackenzie King in 1944 addressed members of both Houses in the Royal Gallery, but it is best known for the part it plays on the occasion of the Opening of Parliament, when the Sovereign proceeds in procession through the gallery to the House of Lords.

## ROYAL INSTRUCTIONS

These are issued to Governors-General and Governors on their appointment, and, like the letters patent constituting their office, contain directions as to their duties and the exercise of the prerogative of pardon. Instructions for the Governor of a Colony also set out the composition of his Executive Council.

## ROYAL PREROGATIVE

Blackstone defines the Royal Prerogative as 'that special pre-eminence, which the King hath, over and above all other persons, and out of the ordinary course of the common law, in right of his regal dignity'. He goes on to say that the term can only be applied to those rights and capacities which the King enjoys alone, in contradistinction to others, and not to those which he enjoys in common with any of his subjects. 'Out of the ordinary course of the common law' does not mean that the Sovereign is above the law, as the Courts have authority to determine whether or not an alleged prerogative exists. The expression Royal Prerogative is now used to refer to the Crown's discretionary authority, that is, to what the Queen or her servants can do without

## Rules of Debate

the authority of an Act of Parliament. Hood Phillips divides the prerogative into two main classes—personal and political. The personal ones include the supposition that the Sovereign can do no wrong (and is therefore immune from all actions, civil or criminal), never dies, is not bound by statutes unless named therein, and is never an infant. The political prerogatives are divided into domestic and foreign, the domestic including executive (appointment of ministers, creation of peers, and the summoning, proroguing, and dissolution of Parliament), judicial (includes the prerogative of pardon), legislative (providing courts and legislatures for British countries overseas), and ecclesiastical prerogatives. The foreign prerogatives include the right to make war and peace, to make treaties, and to receive and send ambassadors and other diplomatic representatives from and to foreign states. The political prerogative's practical use is that it provides a convenient mechanism for certain important governmental activities already referred to—the summoning of Parliament, ratification of treaties, and appointments to office. These are effected by Orders in Council, orders, commissions, or warrants under the Sign Manual, and proclamations, writs, or letters patent under the Great Seal. Ministers of the Crown are now responsible for the exercise of the Royal Prerogative, and this responsibility is secured by the requirement that a seal should be used of which the minister has the custody, or that the counter-signature of a minister should be affixed to the document concerned. There is hardly anything official which the Sovereign can do without the intervention of written forms, and nothing for which a minister is not responsible. As Sir Winston Churchill once remarked, 'The prerogatives of the Crown have become the privileges of the people.'

The Royal Prerogative extends to other Commonwealth countries unless otherwise prescribed by United Kingdom or local enactment. It is delegated to colonial Governors in regard to public government and the right of pardon, and more extensively to Governors-General.

## RULES OF DEBATE

*See* DEBATE, RULES OF.

## RUMP PARLIAMENT

The term which is sometimes applied to the extension of the Long Parliament (q.v.) which continued to sit after the House of Commons had been depleted by Pride's Purge (q.v.) and which was expelled by Cromwell on 20 April 1653; and, more commonly, to that remnant of the Long Parliament which was recalled in 1659, consisting at first of 42 members, and gradually increasing until it numbered 71. Later in the same year the restored Rump was expelled by the army for the second time, only to be recalled again, even further depleted in numbers,



at the end of 1659. Early in 1660, the excluded members were invited to return by General Monk, and finding themselves in the majority they paved the way for the restoration of the monarchy and passed a Bill finally dissolving the Rump Parliament (and with it the Long Parliament) on 16 March 1660.

See also COMMONWEALTH, 1658-1660; CROMWELL AND PARLIAMENT.

## RUNNING PARLIAMENT

The name given to the Scottish Parliament of 1556 because it met at intervals. There were several other 'Running Parliaments' in Scottish history, but the term is more particularly applied to that of 1556.

## RUSHWORTH, JOHN (1612?-1690)

Clerk Assistant to the House of Commons during the Long Parliament (q.v.). Rushworth was appointed on 25 April 1640 at the request of the Clerk of the House, Henry Elsynge (q.v.), and it is due to him that we have a verbatim record of the famous incident of 4 January 1642, when King Charles I. came to the House of Commons to demand the surrender of the five members. Rushworth, who wrote a system of shorthand, recorded the King's speech and the memorable reply of Speaker Lenthall (q.v.), although he was not authorized to do so. On his appointment he was prohibited from taking notes except by order of the House, only the Clerk being entitled to record the proceedings. On this occasion, however, Elsynge decided to discontinue the record, and the entry in the House of Commons Journal stops abruptly, as follows: 'His Majesty came into the House; and took Mr. Speaker's Chair. "Gentlemen, I am sorry to have this Occasion to come unto you . . ."' Fortunately for posterity, Rushworth decided to ignore the prohibition imposed upon himself. He was observed by the King whilst taking notes, and the same evening the King sent for him and demanded a copy of the report of his speech. Rushworth attempted to excuse himself by reminding the King that to disclose words spoken in Parliament constituted a breach of privilege; 'to which,' reports Rushworth, 'His Majesty smartly replied, "I do not ask you to tell me what was said by any Member of the House, but what I said myself."' Rushworth then transcribed his notes, and the King had the speech printed.

This does not appear to be the only occasion upon which Rushworth violated the conditions of his appointment, for his great compilation, *Historical Collections*, upon which his fame rests, contains copious notes of the proceedings and some of the speeches made during the Long Parliament. Rushworth has, in fact, been called the 'Father of Parliamentary Reporting'.

In 1657 Rushworth entered Parliament as the Member for Berwick,

**Rushworth, John (1612?–1690)**

and was re-elected for the same constituency to the Convention Parliament of 1660. He was singularly fortunate in that he was in favour and held a number of appointments during the period of the Commonwealth, yet managed to secure the favour of the King after the Restoration. He died, however, in poverty and debt in the King's Bench prison at Southwark, where he spent the last six years of his life.

# S

## ST. CHRISTOPHER

See ST. KITTS LEGISLATIVE COUNCIL.

## ST. EDWARD'S CHAMBER

See PAINTED CHAMBER, PALACE OF WESTMINSTER.

## ST. KITTS LEGISLATIVE COUNCIL

Now a separate Colony, St. Kitts, with the islands of Nevis and Anguilla, was a Presidency of the Leeward Islands Federation until its abolition in 1956. The Legislative Council has been composed since 1952 of the Administrator as President, 2 *ex-officio*, 3 nominated, and 8 elected members. St. Kitts is a member of the West Indies Federation. The Executive Council has a majority of elected members and from them 3 ministers are appointed by the Governor-in-Council.

## ST. LUCIA LEGISLATIVE COUNCIL

Reconstituted by the St. Lucia (Legislative Council) Order in Council, 1951, which provided for universal adult suffrage and a Legislative Council consisting of the Administrator as President, 2 *ex-officio* members, 3 nominated and 8 elected members. A Deputy President is elected by the Council from among the nominated and elected members. The Governor of the Windward Islands, to which group St. Lucia belongs, presides over the Executive Council if he is in the island. It consists of the Administrator, 2 *ex-officio* and 1 nominated member, and 4 members chosen by the Legislative Council from among its elected members. The elected members were increased from 3 to 4 in March 1956, and the Executive Council has now become the principal instrument of policy with a majority of elected members, 3 of whom have been appointed ministers.

St. Lucia has accepted the plan for a Federation of the British Caribbean Colonies, and it is intended that elections for the first Federal Legislature of the West Indies will be held early in 1958.

## ST. MARGARET'S CHURCH

Referring to St. Margaret's the Journal of the House of Commons has an entry in 1735 which reads, 'It is as it were a National Church for

## St. Stephen's Hall, Palace of Westminster

the use of the House of Commons', and it is in this church that the Commons assemble on occasions of national mourning or rejoicing. The connexion between the House and St. Margaret's began in 1614, when members attended for the first time in their official capacity to receive Holy Communion. Prior to that date, the Commons had either, like the House of Lords, attended Westminster Abbey, whose Chapter House had until the death of Henry VIII been the scene of its deliberations, or had accompanied its many legal members to the Temple. The building of a gallery in 1644 in the north aisle of the church provides the first instance of the definite allocation of seats to the House, a custom which has continued to the present time. In 1642 both Houses of Parliament, the Assembly of Divines, and the Scottish Commissioners gathered in St. Margaret's to take the 'Solemn League and Covenant', to swear they would 'extirpate popery, prelacy, superstition, schism and profaneness'. Although no remuneration in the way of pew rents has ever been paid by the House in spite of the large amount of accommodation afforded to it over three centuries, it contributed about £28,000 between 1799 and 1876 towards the upkeep and restoration of the church. Further links between St. Margaret's and the Commons include the ringing of the church bells when a new Speaker is admitted to office and the calling of the banns of members married in the Crypt Chapel (q.v.) and the registering of baptisms therein by the church of the House of Commons.

## ST. STEPHEN'S HALL, PALACE OF WESTMINSTER

The present hall stands on the site of St. Stephen's Chapel which was built by King Stephen about 1141. The chapel was partially destroyed by fire in 1298 and rebuilt by Edward III in the Gothic style, being completed in 1364. It was suppressed with other free chapels in 1547 and handed over by Edward VI to the Commons for permanent use as their Chamber. The Commons occupied it until the Palace of Westminster was destroyed by fire in 1834.

St. Stephen's was the stage of many of the greatest dramas in parliamentary history. The struggle for constitutional government was fought there by Eliot, Pym, and Hampden, and it heard the historic orations of Pitt and Fox and the long debates on the Reform Bill.

St. Stephen's Hall is 95 feet long and 30 feet wide, and is adorned with panels illustrating historical scenes by famous artists and statues of Burke, Chatham, Clarendon, Falkland, Fox, Grattan, Hampden, Mansfield, the younger Pitt, Selden, and Walpole.

## ST. VINCENT LEGISLATIVE COUNCIL

In 1763 King George III granted St. Vincent a Constitution by which the first organized government was set up with a Council and an

Assembly of representatives of the people. In 1786 the Assembly consisted of 19 elected members, but with the abolition of slavery in the Colony in 1838 the planters' interest in self-government slowly waned, and frequently there were not sufficient members present in the Assembly to carry on the business of the House. In 1867 the House of Assembly and the Legislative Council, created in 1856, were replaced by a single Legislative Assembly with 12 members, 3 *ex-officio*, 3 nominated by the Crown; and 6 elected by the people. There then followed a long period of administration by the Colonial Office, which began with the meeting of a Legislative Council in 1878 with no elected members. During the First World War a movement was started for a return to representative government, and following the Report by a Commission sent to the Colony by the British Government, a new Constitution was granted in 1924. This provided for a Council of 3 official members, 1 nominated and 3 elected members with the Administrator as President. In 1936 the nominated members were increased to 3 and the elected members to 5, and in 1951 a new Constitution increased the elected members to 8 and provided for universal adult suffrage.

The Executive Council consists of 3 *ex-officio* members (if the Governor of the Windward Islands is present to preside), 1 nominated member of the Legislative Council, and 4 members chosen by the Legislative Council from among its elected members. The elected members were increased from 3 to 4 in March, 1956, and the Executive Council has now become the principal instrument of policy with a majority of elected members, 3 of whom have been appointed ministers.

In 1948 the then Administrator, Sir Ronald Garvey was instrumental in obtaining a mace for the Legislative Council, and it was first used in December of that year.

St. Vincent has accepted the plan for a Federation of the British Caribbean Colonies, and it is intended that elections for the first federal legislature of the West Indies will be held early in 1958.

## SALARIES OF MEMBERS

See PAYMENT OF MEMBERS; APPENDIX 2.

## SARAWAK COUNCILS

On 1 April 1957 a new Constitution came into force for Sarawak, which provided for a legislature with an elected unofficial majority and an executive in which half the members are elected. The Council Negri, which has financial as well as legislative jurisdiction, consists of 45 members, of whom 24 are elected officials, 14 *ex-officio*, 4 nominated by the Governor, and 3 standing members, who as members of the Council prior to the cession of Sarawak to Great Britain in 1946 were granted life membership as long as they remained

## Saskatchewan Legislative Assembly

members of the Sarawak Civil Service. The new Supreme (or Executive) Council has 3 *ex-officio* members, 2 nominated by the Governor from the Council Negri, and 5 elected by the unofficial members of the Council Negri from among the elected, nominated, or standing members of that Council. The Governor retains his reserved powers and his power to disallow legislation passed by the Council Negri.

Elections in Sarawak are indirect, members of the Council being chosen by electoral colleges formed from the district councils and the divisional advisory councils.

## SASKATCHEWAN LEGISLATIVE ASSEMBLY

A single-chamber legislature with 53 members, representing 49 constituencies, elected on an adult franchise (women received the vote in 1916) for a term normally of five years. The Government of Saskatchewan, consisting of the Lieutenant-Governor, the Executive Council, and the Legislative Assembly, was first formed in 1905 when the Province was created. The Co-operative Commonwealth Federation Party (socialist) holds 36 seats in the present Parliament, which was elected in 1956. The Legislative Assembly has some variations from House of Commons (British) procedure, the following being some of the more important:

Government Bills usually go from second reading to Committee of the Whole House, while Public Bills (presented by private members) go from second reading to a Standing Committee and afterwards to a Committee of the Whole House.

The resolution-committee preliminary stage in a Money Bill was abolished in 1918, since when the Lieutenant-Governor's Message (Queen's Recommendation) has related to the actual Bill, not to a resolution, and is read by the Minister after leave to introduce but prior to the motion for first reading.

The Budget is introduced in Committee of Supply, and not in Committee of Ways and Means as at Ottawa and Westminster.

In view of the difficulties experienced in the House of Commons with regard to ministerial responsibility for the nationalized industries, it is interesting to record that the Saskatchewan Legislative Assembly has devised a unique procedure to ensure legislative scrutiny of the operations of Crown corporations, such as those charged with the administration of power, transport, telephones, etc. The managing board of each corporation is headed by a minister designated as the 'responsible' minister, and scrutiny of the annual reports and financial statements of the corporations is effected through a Select Standing Committee, whose functions are similar to those of the British Public Accounts Committee. Its meetings are attended by the 'responsible' minister and the general manager and accounting officer of the

corporation under examination, and answers to questions put by members may only be refused on grounds of 'public interest'.

The Saskatchewan legislature was the first in the world to produce its Hansard from dictaphone recordings. Arrangements for recordings were made before the last war, but had to be abandoned until an experimental sixteen-microphone installation was tried out in 1947. The following year the installation became permanent with thirty microphones, one for each two members, in the Chamber and an additional system in the main Committee Room. Typescript copies of each day's proceedings are available on the morning of the next day.

The Assembly was the first legislature in Canada in 1946 to broadcast its proceedings, which are on the air from 3.15 to 4.30 daily while the House is sitting, and rebroadcast later in the evening from other stations in the Province. A committee allocates the broadcasting time between the parties over the session, and the Whips arrange the distribution to individual members.

The Legislative Building, opened in 1912, is cruciform in shape and 542 feet long by 275 feet at its greatest width, with a central dome 188 feet high. It has 265 rooms and grounds of 167 acres, reputedly the largest of any government in the world. The Library, of some fifty thousand volumes, contains the 'Confederation Table' at which the 'Fathers of Canadian Federation' sat in 1867. Saskatchewan returns 17 members to the Canadian House of Commons and 6 senators to the Senate.

## SCOBELL, HENRY (d. 1660)

Appointed Clerk of the House of Commons in 1648 on the resignation of Elsynge (q.v.), Scobell is regarded as the authority on parliamentary procedure during the Commonwealth. His *Memorials of Method and Manner of Proceedings of Parliament in passing Bills* is an important treatise on 17th-century practice. During the year of his appointment an Act was passed conferring the appointment on him for life. In 1658 he also claimed to be Clerk of the other House which Cromwell substituted for the Lords. In 1659 he fell from favour and was summoned to the Bar of the House of Commons to account for an entry he had made in the Journal for 20 April 1653. This was the day on which Cromwell had dismissed the Long Parliament, and Scobell had written, 'This Day his Excellency the Lord General dissolved this Parliament.' The entry was declared a forgery, having been made without the consent of the House, and was ordered to be expunged from the Journal. The House also ordered that a Bill be brought in to repeal the Act under which Scobell had been appointed Clerk for life.

Scobell's *Memorials* were first published in 1656, and reissued in 1658, 1670, and 1692. His other works include *Remembrances of some*

## Scotland, Secretary of State for

*Methods, Orders and Proceedings of House of Lords, 1657, and Power of Lords and Commons in Parliament in Points of Judicature, 1680.*

## SCOTLAND, SECRETARY OF STATE FOR

Before 1885 Scottish affairs were in the province of the Home Secretary (q.v.) and various other departments, but in that year a Secretary for Scotland with a Scottish office was created by statute. Under the Secretaries of State Act of 1926 he became a Secretary of State, and the Conservative Government in 1951 appointed a Minister of State, Scottish Office, to act as deputy to the Secretary of State, with his headquarters normally in Scotland. The Secretary of State is the Keeper of the Great Seal of Scotland, which the Act of Union requires to be used for Scottish matters. He exercises in Scotland most of the powers of a Secretary of State, and is one of the Commissioners of Crown Lands (q.v.). His administrative departments are the Department of Agriculture for Scotland, the Scottish Education Department, the Department of Health for Scotland, and the Scottish Home Department. The Scottish Secretary's salary is £5,000, the Minister of State, Scottish Office, £3,750, and his three joint Parliamentary Under-Secretaries of State receive £2,500 each. They are all entitled to a further £750 if they sit in the House of Commons.

In this century the Scottish Secretary has always been a member of the Cabinet (q.v.) except when a War Cabinet has been in existence.

A chronological list of Scottish Secretaries appears as Appendix 27.

## SCOTT, SIR GILES GILBERT (1880–

The architect who designed the present House of Commons Chamber which was opened in October 1950.

## SCOTTISH BILLS

Under a House of Commons Standing Order of 1748 Bills dealing with Scotland exclusively are submitted to the Scottish Standing Committee before second reading for consideration of the principles of these Bills. The committee cannot reject a Bill, but reports its deliberations to the House. After the second reading, unless objection is taken, the Bill is returned to the Scottish Standing Committee for its committee stage on the motion of a minister, and is deemed to have received its second reading. A debate on second reading must take place in the House if six or more members give notice of an amendment.

## SCOTTISH PARLIAMENT

The first mention in Scottish history of a King acting with the concurrence of a National Council is in 1120, but such Councils were not called a 'Parliament' until 1215 when King Alexander II 'tenuit



Parliamentum' in Edinburgh. The real founder of the Scottish Parliament was King Robert the Bruce, who at the Parliament of Cambuskenneth in 1326 summoned the burgesses as well as 'other free tenants of the Kingdom'. It is in this Parliament that we meet with the first development in Scotland of what are now considered the fundamental principles of a representative constitution—a claim of right, redress of grievances, a grant of supplies, and a strict limitation of the grant to its proper purposes. Although the burgesses were summoned to this Parliament they did not become an essential part of all parliaments until the middle of the 15th century. They then formed one of the three 'Estates' of the realm. The other two were the Lords Spiritual and the barons—the word 'Estates' was frequently used for Parliament. By the beginning of the 15th century the smaller barons had almost ceased to attend Parliament, and although James I passed an Act in 1427 freeing them from attendance and replacing them with representatives from each shire it remained inoperative until after the Reformation. James I also attempted to create the office of Speaker at the same time, but this attempt was equally unsuccessful, and the Lord Chancellor continued to preside over the single-chamber legislature. The officers of state had seats in the Scottish Parliament by virtue of their offices, and the judges of the Court of Session sat round a table in the centre of the hall between the barons and the commons. If the King was not present the Royal Assent to Bills or 'articles' was given by touching them with the royal sceptre. The Parliament of Scotland was apt to be the tool either of a strong King or of the greater barons during the reign of a weak King, and its ineffectiveness before the Reformation was not helped by the absence of the shire representatives, whose combination with burgess members was the strength of the English House of Commons. Another weakening factor was the delegation of the work of Parliament to a committee. In 1367 certain persons were elected by the three Estates to hold the Parliament, and the rest were allowed to go home 'because of the harvest'. The Committee of the Lords of the Articles, as it was called, had the effect of reducing the burgess element in Parliament, and in the later centuries the Crown employed it to obtain complete control. During the 16th century it was the custom for the Estates to meet in full only on the first and last day of its session—on the first to appoint the Lords of the Articles and on the last to endorse what they had done. The 1427 Act was ratified in 1585, when 'two wise men' were to be elected from each shire, but the restriction of the electors to those with forty-shilling freeholds considerably limited the right of voting, and up to the Reform Act of 1832 the number of electors for Scottish counties varied from ten to about two hundred. The Parliament's unrepresentative character prevented its development after the Restoration. Also in those years in the General Assembly of the Church the country possessed a more

## Scottish Parliament

really representative body than the Parliament ever was, so that when Parliament was not taking its orders from the King it was following the lead of the Assembly. The Parliament which met in 1560 and abolished the Roman Catholic faith was one of the few which the burgesses and the smaller barons attended freely and where they voted in accordance with their own feelings. James VI, after his accession to the Throne of England, acquired complete control over the appointment of the Lords of the Articles, and thus over Parliament, and his methods were followed by Charles I, who of all the Stuarts was the least considerate of Scotland. The Parliament of 1639 left the old Tolbooth and met in their new Parliament House, which became one of the most admired buildings in Edinburgh. In that year the Earl of Argyle carried a vote at a sitting of the Lords of the Articles that henceforth each Estate should choose its own representatives in that body. During the Commonwealth there was only one Imperial Parliament, in which Scotland was represented by twenty members from the counties and ten from the boroughs. The Scottish Parliament met again after the Restoration in 1661 and passed Acts which abolished all the laws made after the year 1633 and re-established the ancient government of the church by archbishops and bishops, who were thus restored to Parliament, from which they had been banished by the Glasgow Assembly of 1638. Between 1660 and 1689 the Scottish Parliament was once more only the instrument for official sanction, but in the latter year a Convention of the Estates was held which deposed James VII, and affirmed that William and Mary were now King and Queen of Scotland and that the Scottish Church was Presbyterian. When the acceptance of William and Mary converted the Convention into a Parliament it achieved a great triumph by abolishing the Lords of the Articles, and henceforward, until the Treaty of Union with England took effect, there was parliamentary independence in Scotland as far as purely internal affairs were concerned. The last Scottish Parliament, the memorable Union Parliament, met in 1703 and it was distinguished by the first appearance in Scotland of parliamentary parties. The Act ratifying and approving the Treaty of Union with England was carried in this Parliament by 110 to 69 votes on 16 January 1707, but it continued to sit until the treaty was accepted by England, and decided that the representative peers (q.v.) as well as the commoners for Scotland should be chosen to sit in the Parliament of Great Britain from their own members. Queen Anne gave the Royal Assent to the Act of Union passed by the English Parliament in person in the House of Lords on 6 March 1707, and from 1 May the two Kingdoms were united.

(Further reading: Rait, *The Scottish Parliament before the Union*, 1901.)

# PARLIAMENTS AND CONVENTIONS OF THE ESTATES OF SCOTLAND

27-37	David II	1357-67	19-20	Charles I	1643-4
29-30	James I	1434-5	20-22	" "	1644-7
3-22	James II	1439-58	23	Charles I }	
3-26	James III	1462-87	3	Charles II }	1648-51
1-22	James IV	1488-1509	12-15	" "	1661-3
1-28	James V	1513-40	17	" "	1665
1-26	Mary	1542-67	18	" "	1667
1-43	James VI	1567-1609	21-26	" "	1669-74
46	" "	1612	30	" "	1678
50	" "	1617	33	" "	1681
50	" "	1617	1 & 2	James VII	1685-6
54	" "	1621	1	William & Mary	1689
54 & 55	" "	1621	1-5	William & Mary	1689-1702
1	Charles I	1625	7-13	William	
4-9	" "	1628-33	1	Anne	
15-17	" "	1639-41	2-6	"	1703-7

## SCOTTISH STANDING COMMITTEE

*See* STANDING COMMITTEES.

## SECOND CHAMBERS

*See* BICAMERAL LEGISLATURE.

## SECOND CLERK ASSISTANT

*See* CLERKS ASSISTANT

## SECOND READING

*See* BILL, PASSAGE OF.

## SECRETARIES OF STATE

Her Majesty's Principal Secretaries of State, now seven in number, are heads of important government departments for whose administration they are responsible to Parliament, and constitutionally they also function as channels of communication between the Crown and its subjects. They are appointed by the delivery to them of three seals engraved with the royal arms, and the recall of these seals terminates the office. Constitutionally any one of the seven can exercise the functions of any of the others.

We first hear of the King's Secretary in the reign of Henry III, and until after the time of Henry VIII he belonged to the Royal Household. Even in the 15th century the King's business began to require more than one Secretary and in 1433 a second Secretary had

## Secretaries of State

become necessary for the transaction of royal affairs in France. The reign of Henry VIII marks an important advance in the position of the Principal Secretary. His use of the King's Signet is confirmed by statute, he ranks next to the greater household officers, and he has a seat in Parliament and the Council. If he is a baron, he sits above all other barons, and if a bishop above all other bishops. In 1539 the two Principal Secretaries were both members of the Commons, but one was always to sit in the upper House and one in the lower, interchanging weeks, unless the King was present in the House of Lords, in which case both were to be there. The growing importance of the office, is indicated, not only by the precedence given to the holders but by the quality of the men who held it. Thomas Cromwell was for a short time Secretary to Henry VIII, and Sir William Cecil was Secretary to Elizabeth I from her accession until he was made Lord Treasurer in 1571. During the greater part of this reign there was only one Secretary, who by now was no longer attached to the Household, but at the close of it Sir Robert Cecil shared the duties with another, he being called 'Our Principal Secretary of Estate', and the other 'one of Our Secretaries of Estate' or 'Second Secretary'. The Secretary was expected to possess a general knowledge of relations with other countries, including the affairs of Wales and Ireland, and to take charge of the royal correspondence with foreign princes. After the Restoration he also had to prepare business for the inner Council, of which by then he was a member, and attend meetings of the larger body, the Privy Council (q.v.). From the beginning of the 17th century until 1794 there were two Secretaries of State, except in 1616, from 1707 to 1746, when there was usually a third Secretary for Scottish business, and from 1768 to 1782, when there was a third Secretary for colonial business. From the Revolution until 1782, except during the temporary existence of the Scottish and Colonial Secretaries, one Secretary was in charge of the Northern Department and the other of the Southern Department. The Northern Department included the northern powers of Europe, while the Southern, as well as our dealings with the Latin countries, Switzerland, and Turkey, included Irish and colonial business and the work of the Home Office. These two Secretaries down to 1782 were described as 'His Majesty's Principal Secretaries of State for Foreign Affairs', but after 1782 the Southern Department became the Home Office, retaining Irish and Colonial business, the Northern Department became the Foreign Office, and the Colonial Secretaryship, which had been in existence for fourteen years, was abolished.

About this time it was realized that the numerous authorities responsible for military affairs needed a guiding hand in time of war, and in 1794 a third Secretary of State was appointed, for War. In 1801 the new Secretary took over the Colonial Office as well, and during the

peaceful times following the fall of Napoleon his War duties became rather neglected—so much so that when the Crimean War came along the chaotic state of this department necessitated the appointment of a Principal Secretary of State for War, and the Secretary of State for War and the Colonies was relieved of his responsibility for the army. Other Secretaries of State appointed by Queen Victoria included one for India, who held and discharged the powers and duties vested in the East India Company when the Crown took over its territories in 1858. This office lapsed when India became independent in 1947. The development of air warfare led to the appointment of a Secretary of State for Air in 1918, and in 1925 the Colonial Secretary assumed a new Secretaryship for Dominion Affairs, for which a separate Secretary was appointed in 1930. In 1947 the title was altered to Secretary of State for Commonwealth Relations. In 1926 the Secretary for Scotland was raised to the status of a Secretary of State, and in 1951 Lord Leathers was appointed Secretary of State for the Co-ordination of Transport, Fuel, and Power. The creation of this office aroused much criticism, and Lord Leathers resigned his Secretaryship in September 1953. We now have Secretaries of State for Foreign, Home, Commonwealth, and Colonial Affairs, and for Scotland, War, and Air.

The salary of a Secretary of State is £5,000, and each Secretary has at least one Parliamentary Under-Secretary to assist him, whose salary is £2,500. Any Secretary of State or Under-Secretary who sits in the House of Commons is entitled to a further £750.

Canada has two Secretaries of State, one for External Affairs, and is the only other country in the British Commonwealth in which the office exists.

## SECRET BALLOT

First introduced in parliamentary elections by South Australia in 1856.

*See* BALLOT ACT, 1872; ELECTIONS.

## SECRET SESSION

Should either House of Parliament desire to conduct certain proceedings in private it can adopt a resolution to go into secret session. So far secret sessions have been held only in war-time, and in these days it is inconceivable that Parliament would ever debate in secret except in the interests of national security. A motion to go into secret session requires the support of a majority of the House, and it is first necessary to 'take notice that strangers are present'. The mover (probably the Leader of the House if the motion is on behalf of the Government) rises and says, 'Mr. Speaker, I spy strangers.' The Speaker immediately puts the question, 'that strangers do withdraw',

## Select Committee on Estimates

no debate being allowed. If the motion is agreed to the Public and Press Galleries are immediately cleared. The Hansard reporters also depart as debates in secret session are not recorded. After all strangers have withdrawn the motion is made that the remainder of the day's sitting or certain proceedings should be held in secret. If the House is opposed to a secret session the procedure would not reach this stage as the majority would vote against the motion to exclude strangers. The custom of 'spying strangers' is a survival from the days when Parliament imposed a ban on the reporting of its proceedings and the presence of outsiders. At one time it was sufficient for a single member to 'spy strangers' in order to oblige the Speaker to order the clearing of the galleries' (see also STRANGERS).

During a secret session barriers are erected at the end of corridors leading to the Members' Lobby and access is denied by the police to all save members and certain officers of the House.

The considerations leading to a subject being debated in secret session were described by the Lord Privy Seal (Sir Stafford Cripps) in the House of Commons on 9 July 1942. On 19 December 1945 it was resolved that no proceedings held in secret session during the previous Parliament should be any longer secret.

## SELECT COMMITTEE ON ESTIMATES

A sessional committee of the House of Commons, consisting of 36 members (7 being a quorum), which is appointed to examine the Estimates (q.v.) in detail. Close scrutiny of the Estimates is not feasible in Committee of Supply, where debate tends to be wide and discursive and devoted rather to matters of policy than to the Estimates themselves. - The Select Committee is specifically debarred from considering policy, its order of reference being 'to examine such of the Estimates presented to this House as may seem fit to the Committee, and to suggest the form in which the Estimates shall be presented for examination, and to report what, if any, economies consistent with the policy implied in those Estimates may be effected therein'. The committee is empowered to send for persons, papers, and records, to adjourn from place to place, and to appoint sub-committees enjoying similar powers (3 being the quorum of a sub-committee). The committee reports from time to time and its reports are considered in Committee of Supply.

The Estimates Committee was first set up in 1912 on the motion of Lloyd George, when it numbered 15 members. Since then it has been regularly appointed each session except during the years 1915 to 1920 and 1939 to 1945, when its place was taken by a Select Committee on National Expenditure (see below). During the years it has functioned, and particularly prior to 1939, the committee has not been considered an unqualified success, although it has made a number of useful

## Select Committee on Estimates

recommendations, the reclassification of the Estimates which took place in 1927 being one of the results of its work. The committee is unfortunately beset by many handicaps. Its order of reference imposes a difficulty at the outset, for financial policy, which the committee is precluded from considering, is inextricably bound up with the Estimates themselves. Also, owing to the very nature of its functions, the committee, if it is not extremely cautious, can expose itself to the charge of interfering in the internal administration of government departments. The main problem, however, lies in the actual examination of the Estimates. Although some scrutiny is attempted, it has been found that a detailed examination of such a prodigious volume of figures is equally impossible in a Select Committee as in Committee of Supply. The committee has only five months in which to complete its task, for the Estimates are presented to Parliament in February and must be passed by August. Unlike the Committee of Public Accounts (q.v.) the Estimates Committee has no expert advice on which to rely and nothing corresponding to an audit to guide it in selecting lines of inquiry. Since 1945, however, the committee has evolved a method of procedure more suitable than that of its pre-war predecessor. Following along the lines adopted by the wartime National Expenditure Committee it has concentrated upon the more practicable task of inquiring into selected ranges of current expenditure with a view to promoting economy and efficiency. In pursuing its investigations the committee has taken full advantage of its power to appoint sub-committees, a factor which has contributed to the comparative success of its efforts in relation to those of its predecessor. Inspections and visits have become a normal part of sub-committee procedure, and as more than one sub-committee can undertake simultaneous investigations the amount of work which can be tackled is considerably multiplied. The increase in membership of the committee from 28 to 36 in 1949 has increased its capacity for appointing sub-committees. The unity of the committee as a whole is maintained by a co-ordinating sub-committee consisting of the Chairmen of all other sub-committees presided over by the Chairman of the full committee, its function being to decide on possible lines of inquiry. The pre-war Estimates Committee was also empowered to appoint sub-committees but very seldom did so.

In 1946 the Select Committee on Procedure recommended that the Estimates Committee and the Public Accounts Committee should be combined into a single Expenditure Committee, but this recommendation was not accepted and probably never will be.

During the two World Wars the Estimates Committee was replaced by a Select Committee on National Expenditure with terms of reference confining it to the consideration of war expenditure. The abnormal conditions of war made scrutiny of the Estimates impracticable, for in

## Select Committee on National Expenditure

the interests of security they were<sup>4</sup> never published in full, and Parliament often voted money in the form of Votes of Credit, in which case the purposes for which the money was required were not specified. Thus the National Expenditure Committee was charged with a somewhat different task from that of the Estimates Committee. Its investigations were directed wherever money was being spent in large amounts, and particularly where it had reason to suspect waste, inefficiency, or maladministration. At the outset of the recent war the committee appealed to the public for any information which would lead to the discovery of bad practices in the expenditure of public money, and as a result of a very helpful response (the informants' names never being revealed) the committee's attention was drawn to a number of minor abuses and irregularities. Like the present Estimates Committee the National Expenditure Committee conducted its investigations to a very great extent through sub-committees which travelled all over the country, visiting such places as factories and aerodromes, subjected departmental activities to searching examination, and heard evidence from Government officials under conditions of strictest secrecy. The National Expenditure Committee was a diligent and enthusiastic body which effected many improvements during the war. There is no doubt that the overriding considerations of war provided both the incentive and the conditions which made for the committee's success.

(Further reading: Chubb, *The control of public expenditure*, 1952.)

## SELECT COMMITTEE ON NATIONAL EXPENDITURE

See SELECT COMMITTEE ON ESTIMATES.

## SELECT COMMITTEES

A Select Committee is a committee of members 'selected' by the House which appoints it, although up to 1819 it was sometimes chosen by ballot. Members are now nominated, having expressed their willingness to serve, on the motion of a Government Whip. Its main function is to do the work for which the House is not fitted—finding out the facts of a case, examining witnesses, sifting evidence, and drawing up reasoned conclusions. It will present its recommendations to the House, but it has no power to ensure that they are accepted. The scope of a Select Committee is confined within the order of reference—if it is considering a Bill the Bill itself is the order of reference. In this case the Bill undergoes at the hands of the committee a preliminary committee stage. The committee reports the Bill with or without amendment and it is recommitted to a Committee of the Whole House (q.v.). If it is a committee of inquiry the motion appointing the committee states the terms of reference as the purpose for which the committee was appointed, and these terms also give the committee power to



send for persons, papers, and records. In the House of Commons not more than 15 members may be appointed to a Select Committee except by special leave of the House, but there is no limit in the Lords. However, Select Committees in the House of Lords are not empowered to order the production of documents or the attendance of witnesses. The Chairman is usually appointed by the committee, but if there is a difference of opinion as to who shall be called to the chair, the same procedure is followed as on the choice of a Speaker. Proceedings in general follow the lines of procedure in Committee of the Whole House, but the Chairman, unlike the Chairman of a Standing Committee (q.v.), cannot accept motions for the closure of debate or select the amendments for discussion, and he may vote only when the voices are equal, i.e., he has only a casting vote. When the committee has sat and the evidence has been examined the Chairman will produce a draft report of the committee's findings. If one of the members disagrees with it he can propose the adoption of an alternative draft report, and this is the only way in which a minority opinion in the committee can be expressed. Otherwise the committee is a solid entity, incapable of anything but unanimity. There is no such thing as a minority report from a Select Committee. When the committee has agreed to all the paragraphs of the report, the question is put, 'That the draft report (as amended) be the report of the Committee to the House', and a resolution is generally passed to report the evidence taken as well. The committee's corporate existence is then at an end, the Committee Clerk lays the report 'in dummy' on the Table of the House and the copy is sent to the printers to be published as soon as possible.

A certain number of Select Committees are set up every year at the beginning of the session for the purpose of supervising certain branches of business. These Sessional Committees include in the House of Commons the Public Accounts, Standing Orders, Unopposed Bills, and Selection Committees, which are appointed by Standing Order. Other Sessional Committees are on Privileges, Public Petitions, Estimates, Publications and Debates Reports, Kitchen and Refreshment Rooms, and Statutory Instruments. In the House of Lords there are Sessional Committees on Standing Orders, Special Orders, Personal Bills, Procedure, Offices, Privileges, Journals, and the Committee of Selection. Select Committees cannot sit after the prorogation or dissolution of Parliament, but they may be reappointed.

Select Committees in other Commonwealth Parliaments are all worked on similar lines, but the Sessional Committees are usually referred to as Standing Committees.

## SELECTION, COMMITTEE OF

*See* COMMITTEE OF SELECTION.

## Selection of Amendments

### SELECTION OF AMENDMENTS

Any member is entitled to put forward amendments at any stage of a debate on a Bill or motion, and the Speaker and, in Committee of the Whole House, the Chairman of Ways and Means or Deputy Chairman are empowered to decide which amendments should be selected for consideration. The power cannot be exercised in the House by the Deputy Speaker unless the Speaker's absence has been formally announced. The purpose of conferring this power upon the Chair is to ensure that the limited time available is used to the best advantage, and it lies within the discretion of the Chair to decide which amendments represent the leading sections of opinion. Although not compelled to give any reasons for passing over certain amendments, the occupant of the Chair might decide to announce a reason in respect of a particular amendment, or he might invite the mover of an amendment to explain its objects before taking a decision. In exercising his discretion his main concern is to interpret the wishes of the House.

The power of selecting amendments was first introduced in limited form in 1909 and its exercise required a special decision of the House. A Standing Order of 1919 established it as a permanent power of the Chair. In 1934 it was extended to the Chairmen of Standing Committees.

Because it involves 'jumping' over certain amendments on the order paper, the process of selecting amendments is known as the 'kangaroo'. It is usual to give notice of an amendment so that it appears on the order paper for the following day; an amendment of which notice has not been given is very unlikely to be selected.

### SELECT VESTRIES BILL

A Bill with no legislative significance, the first reading of which is taken in the House of Lords before the debate on the address in reply to the Queen's Speech. It asserts the right of the Lords to conduct their business in any order they choose and corresponds to the Outlawries Bill (q.v.) in the House of Commons.

### SENATE

The term frequently applied to the upper House of a legislature. In the British Commonwealth it is the name given to the upper House of the Parliaments of Canada, Australia, South Africa, and Ceylon. The word means literally an assembly of old men or elders, and is therefore applied to a council with the highest deliberative and legislative functions. The Roman Senate was the supreme council of state, and the British Parliament is sometimes alluded to rhetorically as the Senate.

## SEPTENNIAL ACT, 1715

*See DURATION OF PARLIAMENT.*

## SERJEANT-AT-ARMS

Both the Lord Chancellor (q.v.) and the Speaker (q.v.) of the House of Commons have a Serjeant-at-Arms appointed to attend upon them, but the position of this officer in the Commons does not correspond exactly to that of his colleague in the Lords. The Serjeant-at-Arms in the lower House has his own department and controls a large staff, including a Deputy Serjeant and Assistant Serjeant, his counterpart in the Lords being the Gentleman Usher of the Black Rod (q.v.). The Serjeant-at-Arms in the upper House is an officer in the department of the Lord Chancellor. He attends the Lord Chancellor with the Mace (q.v.) and, according to Erskine May, he is an officer of the Lord Chancellor rather than of the House of Lords. Like the Serjeant-at-Arms in the House of Commons he is appointed by the Crown.

The duties of the Serjeant-at-Arms in the House of Commons are in many respects traditional, but he is also housekeeper of the House under the House of Commons (Offices) Act, 1812, and therefore performs administrative as well as ceremonial duties. He is appointed by the Crown under a warrant from the Lord Chamberlain and by patent under the Great Seal (q.v.) 'to attend upon Her Majesty's person when there is no Parliament; and at the time of every Parliament, to attend upon the Speaker of the House of Commons'. Once appointed, he becomes the servant of the House and may be dismissed by the House in the event of a breach of conduct. His full style is 'Serjeant-at-Arms in Ordinary to Her Majesty', and the appointment is usually held by a retired officer of Her Majesty's forces.

The Serjeant-at-Arms is the custodian of the Mace, which features prominently in the performance of his ceremonial duties. Bearing the Mace upon his right shoulder he precedes the Speaker when the latter enters and leaves the Chamber at the beginning and the end of a day's sitting; he does likewise when the Speaker attends the Bar of the House of Lords and when the House of Commons proceeds anywhere as a House. The only occasion on which the Mace is not borne shoulder-high is during the ceremony attendant upon the election of a new Speaker (q.v., sub-heading *Election of Speaker*). When a person appears at the Bar of the House as a petitioner, witness, offender, or in any other capacity, he is attended at the Bar by the Serjeant-at-Arms bearing the Mace. When the Gentleman Usher of the Black Rod arrives as a messenger from the House of Lords he is introduced into the Chamber by the Serjeant-at-Arms.

The Serjeant-at-Arms is responsible for the maintenance of law

## Serjeant-at-Arms

and order throughout the precincts of the House of Commons. He is empowered to take into custody or order the withdrawal of strangers who are guilty of misconduct or who have been irregularly admitted and, if ordered to do so by the Speaker, to take disciplinary action against members themselves should the occasion arise. Under the direction of the Speaker he executes the orders of the House including the commitment of persons ordered into custody. He controls the admission of strangers to all galleries and other parts of the building, and the police on duty in the lobbies and passages are under his supervision. As housekeeper of the House he is responsible for the upkeep and maintenance of the building, and the doorkeepers, office keepers, attendants, cleaners, and watchmen come under his jurisdiction.

The Serjeant-at-Arms wears a traditional uniform consisting of a cocked hat, black cut-away coat, lace ruffles at the throat, white lace cuffs, knee-breeches, black silk stockings, and silver-buckled shoes. The rapier and scabbard girt to his side are the symbol of his power and authority. Whilst the House is sitting he occupies a chair at the Bar of the House, raised above the level of the floor and facing the Speaker. He is relieved from time to time by the Deputy Serjeant-at-Arms, who wears the same uniform. On occasions of official mourning the normal dress is varied by means of a black sword with black mountings, black knee and shoe buckles and black gloves.

It was probably during the reign of Richard II that a Serjeant-at-Arms was first appointed by the King to attend the Speaker of the House of Commons. Serjeants-at-Arms were originally members of a King's Bodyguard which was established in France by Philip II and introduced into England, probably by Richard I. In executing the orders of the King they were the representatives of the royal authority, the maces they carried were their warrants, and their ceremonial functions evolved as the necessity for protecting the King's person diminished. In addition to the 2 Serjeants-at-Arms specially assigned to Parliament there are 8 Royal Serjeants whose duties are purely ceremonial. Similarly, the 2 Serjeants-at-Arms specially assigned to Parliament for the protection of the Lord Chancellor and the Speaker respectively acquired ceremonial functions in place of their duties as bodyguards. During the course of the centuries the Speaker has ceased to be directly appointed by the Crown and is instead elected by the Commons, the Lord Chancellor has become the nominee of the Government of the day, but the office of Serjeant-at-Arms has remained a royal appointment.

The salary of the Serjeant-at-Arms in the House of Commons is £2,600 per annum and he has an official residence in the Palace of Westminster. The Serjeant-at-Arms in the House of Lords receives £2,000.

## SESSION

The period beginning with the day Parliament is opened and ending with the day it is prorogued, or in the case of the final session of a Parliament, dissolved. During the session a House may adjourn itself of its own motion to such date as it pleases, and whereas a prorogation terminates a session, an adjournment is an interruption in the course of one and the same session. A list of the usual parliamentary session months throughout the Commonwealth is given at the beginning of each volume of *The Table*, the Journal of the Society of Clerks-at-the-Table (q.v.).

A session opens with the Speech from the Throne, usually delivered by the Sovereign herself, and in her territories overseas by the Governor-General or Governor, as the case may be. A Speech from the Throne is also delivered by the Lord Chancellor in the House of Lords when Parliament is prorogued.

## SESSIONAL COMMITTEES

Select Committees which are automatically set up by Standing Order or are reappointed each session. The Sessional Committees of the House of Commons include the Standing Orders Committee, the Committee of Public Accounts, the Committee of Selection, and the Business Committee (all appointed by Standing Order), and the Committee of Privileges, the Select Committee on Estimates, the Kitchen Committee, the Select Committee on Statutory Instruments, the Select Committee on Publications and Debates, and the Committee on Public Petitions. Sessional Committees of the House of Lords include the Standing Orders Committee, the Committee of Selection, the Special Orders Committee, and the Personal Bills Committee, all appointed by Standing Order, and the House of Lords Officers Committee, the Select Committee on Procedure, and the Committee for Privileges. There is also a Joint Committee of both Houses appointed every session on Consolidation Bills (q.v.). Sessional Committees in other Commonwealth Parliaments are usually called 'Standing Committees'.

## SESSIONAL ORDERS

Regulations made by the House of Commons which are renewed at the beginning of each session. They deal with double election returns, exclusion of peers from voting, bribery at elections, tampering with witnesses, false evidence in any case before the House or any committee thereof, directions to the police, the printing of Votes and Proceedings and the Journal, and the appointment of a Committee of Privileges. The order first mentioned appeared at the end of the 17th century, and by the end of the 18th there were considerably more

## Seychelles Legislative Council

than there are to-day. They included additional orders prohibiting strangers in the House or gallery, regulations for the delivery of letters to members and for the adjournment of committees as soon as a sitting of the House commenced, and orders prohibiting gambling by members' footmen and their presence in the Lobby of the House.

## SEYCHELLES LEGISLATIVE COUNCIL

The Seychelles (Legislative Council). Order in Council, dated 11 March 1948, introduced elected members for the first time. The Council now consists of the Governor as President, 6 official members, 4 elected members, and 2 nominated unofficial members. The Executive Council is composed of the Governor, 3 *ex-officio* members, and 5 unofficial members. The capital and seat of government is Victoria, on the island of Mahé.

## SEYMOUR (JOHN)

A Clerk of the House of Commons who first began the Journal of the House (q.v.) in 1547 in the form of a diary of events in the Commons. This first volume was known as 'Seymour', and covered the years 1547-66.

## SHADOW CABINET

A group of the leaders of the Opposition party who would form a Ministry if and when their party was returned to power. Each member contributes expert knowledge, usually gained by official experience, to the task of directing criticism of Government policy from the point of view of a party which is bidding for the support of the nation.

## SHIPPING, MINISTER OF

A Controller of Shipping was appointed in 1917 who later in the same year became Minister of Shipping. At the beginning of the War in 1939 Sir John Gilmour was appointed to this office, and he was followed by R. H. Cross and R. S. Hudson (now Lord Hudson). In 1941 F. J. Leathers (afterwards Lord Leathers) was appointed Minister of Shipping and Transport.

*See also* TRANSPORT, MINISTER OF.

## SHORTEST PARLIAMENT

The shortest Parliament ever held was that which met on 30 September 1399 and deposed Richard II. It sat only for one day, and although Parliament assembled six days later with the same members, Henry IV decreed that this assembly constituted a new Parliament.

## SHORT PARLIAMENT

The first of the two Parliaments summoned by Charles I in 1640, the second being the Long Parliament (q.v.). The King demanded an

## Sierra Leone House of Representatives

immediate grant of supplies for the purpose of raising an army to send against Scotland, but the Commons insisted that the nation's grievances should receive priority over the King's needs. The Short Parliament was disposed to be as drastic in its demands as the Long Parliament, in fact, eventually was, and it was prepared to insist on the abandonment of the war with Scotland. It was dissolved after it had sat for three weeks.'

It was during the Short Parliament that Pym emerged as the leader of the group opposed to the King. In a famous speech which was received with great enthusiasm in the House he enumerated the grievances of Parliament and the nation. Details of the elections to the Short Parliament are almost completely lacking.

*See also* CHARLES I AND PARLIAMENT.

## SIERRA LEONE HOUSE OF REPRESENTATIVES

The Colony was first governed by the Sierra Leone Company at the end of the 18th century, but the members of the Legislative Council were all nominated by the Governor until 1924. Election by ballot was first introduced in that year, when 2 members were elected for the urban district and 1 for the rural area. Sierra Leone includes a Protectorate, as well as a Colony, which was first represented in 1924 by 3 of its paramount chiefs (nominated by the Governor) among the 7 unofficial members. There were also 11 official members with the Governor as President. The first major change in the legislature was in 1951, when the membership of the Council was increased to 31, of whom 7 were elected directly from the Colony and 14 were elected to represent the Protectorate. In 1953 the 6 official members of the Executive Council received the title of minister for the departments for which they were responsible. New constitutional advances were approved by the British Government in October 1956, and these provided for a House of Representatives composed of 14 members elected from the Colony and 24 from the Protectorate, 12 paramount chiefs, 1 member elected from the Bo urban area, 2 nominated unofficials to represent special interests (with power to speak but not to vote), and 4 *ex-officio* members. A Speaker would be elected by a two-thirds majority vote of the members from either inside or outside the House, and the Deputy Speaker from among the members by a simple majority. The Governor retains the right to convene and address the House, although he ceases to preside over the legislature. As a result of the Electoral Reform Commission, which reported in 1954, the franchise will be extended until the General Election in 1962 to all persons in the Colony over twenty-one with a modest property qualification, and in the Protectorate to male taxpayers over twenty-one and those women over twenty-one who can qualify as taxpayers, property owners, or literates. For and after the General Election in 1962 the franchise will

## Simon de Montfort's Parliament

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be extended to all persons over twenty-one in both Colony and Protectorate. The first stage of the new franchise proposals came into operation for the General Election held in May 1957.

### SIMON DE MONTFORT'S PARLIAMENT

Simon de Montfort has often been referred to as the creator of the House of Commons, due to the fact that it was at his instance that the representatives of the cities and boroughs were first summoned to the national assembly. This was in 1265 when 2 knights from each shire, 2 citizens from each city, and 2 burgesses from each borough were summoned to a Parliament which, whilst it included most of the bishops, was attended by only 5 earls and 18 barons. Two knights from each shire had previously been called to a Parliament in 1254. Although the origin of popular representation can be traced to the Parliament of 1265 it was a very partisan assembly whose delegates were selected from the known supporters of Simon de Montfort, and it cannot therefore, like the Model Parliament (q.v.), be considered to have been truly representative.

### SINGAPORE LEGISLATIVE ASSEMBLY

A Legislative Council was constituted by the Singapore Colony Orders in Council, 1946 to 1953, made under the Straits Settlements (Repeal) Act of 1946 and the British Settlements Acts of 1887 and 1945 passed by the United Kingdom Parliament. These Orders in Council and the Royal Instructions issued in 1946, as subsequently amended, provided for a Governor, an Executive Council, with the Governor as Chairman, 4 *ex-officio* members, 2 nominated official, 4 nominated unofficial, and 2 elected members, and a Legislative Council consisting of 4 *ex-officio* members, 5 nominated official, 4 nominated unofficial, and 12 elected members. As the result of the appointment by the Governor of a Constitutional Commission (the Rendel Commission) in 1953, a revised constitution introducing a ministerial system and a Legislative Assembly with a Speaker and a majority of elected members was brought into force in April 1955. Singapore has adult suffrage with no distinction of race or sex. In the following July the newly elected Legislative Assembly adopted a resolution requesting that a new Constitution providing for self-government should be granted immediately. A conference was accordingly held in London in April 1956, but reached a deadlock on the question of responsibility for internal security, defence, and external affairs. A further conference was held in March-April 1957, which resulted in agreement that Singapore should receive internal self-government in 1958, shed its colonial status, and become known as the State of Singapore. The office of Governor will be abolished and the Queen's representative with similar functions will be Malayan born and known as the Yang



di-Pertuan Negara. The Legislative Assembly will contain no *ex-officio* or nominated members and the elected members will be increased to 51. The Chief Minister will assume the title of Prime Minister and he will preside over a Council of Ministers responsible to the Assembly. The United Kingdom Government will continue to be responsible for external defence and external relations.

## SINGLE TRANSFERABLE VOTE

*See* PROPORTIONAL REPRESENTATION.

## SITTINGS OF THE HOUSE OF COMMONS

Under Standing Order No. 1 the House of Commons sits on Mondays, Tuesdays, Wednesdays, and Thursdays at 2.30 p.m. and on Fridays at 11 a.m. Business is automatically interrupted at 10 p.m. and on Fridays at 4 p.m., unless it is Exempted Business (q.v.) or the House agrees to suspend the automatic adjournment rule on the motion of a Minister of the Crown. The House may vary the times of its sittings by resolution and normally does so when circumstances, such as the intervention of public holidays, render a variation convenient or desirable.

Occasionally a temporary suspension of business takes place, there being various reasons which may require a pause in the proceedings. Such a suspension always takes place on the first day of a session after the Commons return to their own Chamber from the House of Lords, where the Queen traditionally reads the Speech from the Throne opening the new Parliament. The sitting may be suspended if attention is drawn to the absence of a quorum (q.v.) before 4 p.m. (or 1 p.m. on a Friday), or if the House becomes grossly disorderly. (The last occasion upon which the Speaker suspended a sitting for this reason was 1 November 1956.) Further occasions on which a sitting may be suspended are referred to in Erskine May (15th ed., pp. 315-16).

The longest continuous sitting so far is 41½ hours, and this took place from 31 January to 2 February 1881 when the House was debating the Protection of Persons and Property (Ireland) Bill, known as the Coercion Bill. The obstruction of the Irish members on this occasion led to the introduction of the closure (q.v.). The next two longest sittings were 34½ hours (22-4 July 1936) and 31½ hours (11-12 June 1951). The record for a committee was set up by the Scottish Standing Committee which sat for nearly 26 hours on 21-2 May 1957.

## SNAP DIVISION

An unexpected division which is sometimes engineered by the Opposition in the hope that Government supporters will be unprepared and in insufficient numbers to avoid a defeat.

## SOCIETY OF CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS

Founded in 1932 by Owen Clough, C.M.G., Clerk of the South African Senate from 1910 to 1929, this society was formed to facilitate a general interchange of views and information between the Clerks of the Parliaments throughout the Commonwealth on procedure and precedent in the legislatures which they serve. The society publishes an annual journal, of which Mr. Clough was the editor from its inception in 1932 until 1952, when he became Honorary Life President of the Society. In his editorial in the first issue, Mr. Clough wrote:

This is perhaps the first instance of the members of the same profession within the British Empire organizing themselves into a Society for their mutual interest and benefit. Notwithstanding the many textbooks on the subjects of parliamentary procedure and constitutional law in its relation to the Legislature, there is much knowledge required of the 'Clerk of the House' which is only obtainable either from one's own practical experience or from that of others long engaged in the same occupation.

The British House of Commons of today, with its highly developed procedure, its large membership and its great pressure of business, all working under the enviable elasticity of what is, practically, an unwritten Constitution, does not always afford helpful precedents in parliamentary practice suitable to the simpler needs of the smaller and younger Legislature overseas. Even the Parliaments of the Dominions, often by reason of particular provisions in their Constitutions not in force in the United Kingdom, are building up their own precedents, or are being guided by those of other Dominion Parliaments where similar provisions exist. Therefore, although the wealth of precedents and age-long experience in parliamentary practice afforded by the Mother of Parliaments, so readily accessible in textbooks, etc., will continue to be invaluable to the overseas Clerk, the want has long been felt of some means by which he may also have a general knowledge of the working of other overseas Parliaments.

The Journal, now known as *The Table*, receives contributions from Officers of Parliament throughout the Commonwealth, and it includes a number of regular features incorporating information received in answer to the annual questionnaire which the society circulates amongst Commonwealth legislatures. They cover such matters as Speakers' rulings, applications of privilege, constitutional amendments, amendments to Standing Orders, and expressions which have been ruled as unparliamentary.

## SOLICITOR-GENERAL

See LAW OFFICERS OF THE CROWN.

## SOUTH AFRICAN PARLIAMENT

\* At a railway and customs conference held in Pretoria in 1908, General Smuts suggested the holding of a national convention 'to

secure an early union under the Crown of Great Britain of the several self-governing colonies'. The Convention was held in the same year and resulted in a draft Act of Union, to be submitted to the Imperial Parliament, which provided for a legislative union of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony (afterwards the Orange Free State). The South Africa Act, which embodied the Union's Constitution, was passed by the Parliament of the United Kingdom in 1909, and contained provisions under which the Cape native and coloured franchise and the equality of the English and Afrikaans languages were protected (the 'entrenched clauses'). A compromise was effected with those who wanted a federal system of government in South Africa by creating the four Colonies Provinces, with powers of legislation and administration in local matters. There was to be no capital of the Union, but in terms of the South Africa Act Cape Town became the seat of the legislature and Pretoria the seat of the executive government.

Parliament consists of the Queen, the Senate, and the House of Assembly. The Governor-General is the Queen's representative and his relations with Parliament are the same as hers with the United Kingdom Parliament—he assents to Bills, prorogues and dissolves Parliament, and, like the other Governors-General in the Commonwealth, acts constitutionally as the Queen would act in similar circumstances in the United Kingdom. The Status of the Union Act of 1934, which provides that the Parliament of the Union shall be the sovereign legislative power in and over the Union, expressly states that the Governor-General's reserve powers of dismissal of ministers and dissolution of Parliament shall remain unaffected by the Act. These powers are exercised by the Governor-General-in-Council, which means the Governor-General acting with the advice of an Executive Council composed of Cabinet Ministers. The Status of the Union Act also delegates to the Governor-General power to act on behalf of the Queen in regard to external affairs, including the exercise of the Royal Prerogative (q.v.) in the conduct of foreign relations. Since 1936 it has become a convention that only South Africans should be appointed Governor-General of the Union.

Prior to 1955 the Senate consisted of 48 members, 8 elected by each Province, 2 by South-West Africa, 4 representing the Africans, 8 nominated for the Union, and 2 nominated for South-West Africa. It was reconstituted in 1955 by the Senate Act which increased its membership to 89. Natal and the Orange Free State each elect 8 Senators as in the past, but the Transvaal now elects 27 and the Cape 22. The number of nominated members for the Union is now doubled (16), and in addition (as before) 2 Senators are nominated and 2 elected for South-West Africa, while 4 are elected under the Representation of Natives Act, 1936, to represent the natives. The previous method of

## South African Parliament

electing Senators, by which the Provincial Council and the Members of the House of Assembly of each Province sat as electoral colleges and elected their representatives to the Senate on the basis of proportional representation, is abolished in favour of a system whereby the majority party in the electoral college for the Province can elect all the Senators for that particular Province. The object of the Senate Act was to give the Nationalist Government the two-thirds majority in a joint sitting of both Houses which was necessary before any alteration could be made to the 'entrenched clauses' of the Constitution. Such an alteration was required to enable the Government to pass legislation placing the Europeans and the coloureds (persons of mixed race) in the Cape Province on separate voters' rolls, their previous attempts to do so having failed.

Before the passing of the Senate Act in 1955, if the House of Assembly passed a Bill which the Senate rejected or failed to pass and the lower House again passed the Bill in the next session and the Senate again rejected or failed to pass it, a joint sitting of both Houses could, during that session, be convened, and if the Bill was agreed to at such joint sitting by a majority of the members present, it was sent to the Governor-General for his assent. In the case of a Bill dealing with the appropriation of revenue or moneys for the public service such a joint sitting could be convened during the session in which the Senate first rejected or failed to pass such a Bill. This procedure has been altered by the Senate Act. The Governor-General may now assent to a Money Bill (q.v.) notwithstanding that the Senate has not agreed to it, and if assented to it becomes an Act of Parliament. In the case of a Bill other than a Money Bill, if the Senate in two successive sessions (whether of the same Parliament or not, but not held in the same calendar year) either rejects or fails to pass such a Bill, it can be presented to the Governor-General for his assent, and if assented to, becomes an Act of Parliament.

Senators normally hold their seats for five years, but the Senate may be dissolved within 120 days of the dissolution of the House of Assembly or the expiry of the term of office of a Provincial Council, in which case all Senators, except the 4 elected by Africans under the Representation of Natives Act, 1936, vacate their seats. The 4 latter Senators are elected for five years and retain their seats for that period regardless of a dissolution of the Senate. If a change of government occurs, nominated Senators must vacate their seats even though the whole Senate is not dissolved.

The House of Assembly is composed of 159 members, including 3 elected under the Representation of Natives Act, 1936, to represent the native voters in the Cape who were removed from the common voters' roll by the same Act, and 6 elected for South-West Africa. The Transvaal returns 68 members, the Cape 57 (including the 3

natives' representatives), Natal 15\* and the Orange Free State 13. Members are elected for five years, the maximum life of a Parliament. The South Africa Act provides for 14 Cabinet Ministers including the Prime Minister, but as yet no Cabinet Secretariat has been appointed. A minister may sit and speak in either House but may only vote in the House of which he is a member. At present 2 ministers are Senators. Procedure in the House is based largely on that of the old Cape Parliament which first met in 1854, and differs in certain details from that of the House of Commons. When a motion for the closure (q.v.) has been agreed to with the Speaker in the Chair, the minister or member in charge of the business being discussed is allowed to reply to the debate in a speech not exceeding thirty minutes. Time-limits for speeches were introduced in 1922, the general rule being that speeches must not exceed forty minutes, or ten minutes when the House is in committee. Since 1955 Consolidation Bills (q.v.) are referred to a Select Committee immediately after the first reading. Any amendments needed to clarify the Bill are made by this committee, and the remaining stages are taken without amendment or debate, except that amendments which seek to express the existing law more clearly are accepted in Committee of the Whole House (q.v.) and at the report stage.

The Houses of Parliament in Cape Town were completed in 1885 and occupied by the Cape Legislative Assembly until the Union in 1910, since when the building has been greatly enlarged to accommodate the increased number of legislators. South Africa's fine Parliamentary Library includes the famous Mendelssohn collection of Africana, which was left to the nation by its owner.

*See also* FRANCHISE.

## SOUTH AFRICAN PROVINCIAL COUNCILS

The activities of the Provincial Councils of the Cape, Orange Free State, Natal, and the Transvaal are regulated by the South Africa Act of 1909, and by Acts passed by the Union Parliament, the Powers and Privileges of Provincial Councils Act, 1948, and the Financial Relations Consolidation and Amendment Act, 1945, which defines the financial responsibilities and powers of the Provinces in relation to the central government. The Provincial Councils consist of the same number of elected members as are elected to represent the province in the Union Parliament unless that number is under 25, as in Natal and the Orange Free State, when the number of members of the Provincial Council is fixed at 25. The Cape Province has 2 additional members elected by the native population under the Representation of Natives Act of 1936. Members receive an annual allowance of £420, and have full parliamentary privileges with regard to freedom of speech and immunity from legal action in connexion with anything said or done in Council. Each Council has a life of five years,

## South Australian Parliament

and is not subject to dissolution before that period has expired. Since the establishment of the Councils the tendency has been towards restricting their participation in national affairs and increasing their authority in matters of purely local concern. These include the control of primary and secondary education, hospitals and similar institutions, roads (other than national roads), libraries and museums, planning and administration of townships, shop hours and public entertainments, and vehicle licensing.

Ordinances made by Provincial Councils must not be repugnant to any Act passed by the Union Parliament, and must be assented to by the Governor-General-in-Council. He also appoints the chief executive officer of a Province, the Administrator, who is Chairman of the Executive Committee. This consists of 4 persons elected by each Council from among its own members or otherwise, and its function is to carry on the administration of provincial affairs on behalf of the Provincial Council. Since 1935 there has been an Inter-Provincial Consultative Committee consisting of the 2 Union Ministers of the Interior and Education and the 4 provincial Executive Committees. Its work is to co-ordinate the various activities of the Union and the provincial administrations in order to eliminate anomalies and unnecessary overlapping.

Procedure in the Provincial Councils is on parliamentary lines, but with an elected Chairman presiding instead of a Speaker. Only Natal uses a Mace. A Council cannot proceed to appropriate money from the provincial revenue fund without the recommendation of the Administrator, and all proposals for the raising of money must originate in Committee of Ways and Means.

## SOUTH AUSTRALIAN PARLIAMENT

From its founding in 1836 South Australia was administered by the Governor and other officials and 7 Resident Commissioners, who were responsible for the sale of Crown land. The Commissioners' authority was abolished in 1838, and in 1843 a nominated Legislative Council was established under British Acts of 1842. In 1851 a Council of 24 members was created, two-thirds of whom were elected, and in 1857 responsible government was granted with a Legislative Council (upper House) and a House of Assembly. Since 1915 there have been 20 members in the Council elected by five 4-member districts—2 metropolitan and 3 country. South Australia was the first Australian State to extend the franchise to women in 1894, and in 1902, after federation, the number of members elected to the Assembly was reduced from 54 to 42. In 1938 single electorates were introduced, and each of 39 districts now has one member. Members of the Council are elected for six years, half the members retiring every three years, and members of the Assembly for three years, the normal life of a Parlia-

ment since 1938. A system of preferential voting is in operation, and voting for the House of Assembly has been compulsory since 1942. South Australia has the distinction of being the first to introduce the secret ballot in 1856.

The following are the main divergences from House of Commons procedure:

(1) The main Estimates for any financial year are presented during the currency of that financial year, and not before the commencement of the year to which they relate. Supply Acts are put through to provide finance to carry on until the Appropriation Act is passed. They have the same effect as the Votes on Account of the House of Commons.

(2) All Public Bills (unless transmitted by the Governor by message, or sent from the Council) are initiated either by motion for leave to bring in the Bill, or by a motion for a committee of not less than 2 members to prepare and bring it in, or by an Order of the House.

(3) Amendments may not be made on the report stage of a Bill.

(4) The Legislative Council has equal power with the Assembly except in relation to Money Bills, which can only originate in the lower House.

(5) If one House insists on its disagreement with alterations made to its Bills by the other, a Conference between them may be arranged. Five members (who are called Managers in this rôle) from each House meet, and after some formalities are 'at liberty to confer freely by word of mouth'. The Conference has proved to be a valuable method of reaching a satisfactory compromise on matters in dispute between the two Houses, and as a last resort has been the means of saving a number of Bills which might otherwise have been lost.

(6) All answers to questions, which may be asked without notice, are given orally in the House.

(7) There is no adjournment debate, and no fixed time for the adjournment of either House.

(8) Owing to the comparatively small number of members, there is no provision for the guillotine, and the closure has not been resorted to in recent years.

The first portion of South Australia's fine Parliament House in Adelaide was completed in 1889, and the second wing, housing the Legislative Council and the Library, was opened in 1939. It has some 175 rooms, and provides, as well as the normal facilities, the rather unusual luxury of a desk and an individual telephone for each member.

(Further reading: Combe, *Responsible government in South Australia*, Adelaide, 1957.)

## SOUTHERN RHODESIAN PARLIAMENT

Until 1923 Southern Rhodesia was administered by the British South Africa Company. In 1898 an Order in Council established a new

## Southern Rhodesian Parliament

Constitution which was generally similar in form to that of a Crown Colony with representative government, except that the Company was responsible and not the British Crown. The executive power was vested in one or more Administrators paid by the Company, and the previous Administrator's Council became an Executive Council divested of primary legislative powers. The Company's previous power to make ordinances in London was surrendered, and all local legislative powers vested in a Legislative Council, except for the High Commissioner's concurrent power to legislate by proclamation. The Legislative Council was composed of the Administrator(s), 5 members appointed by the Company, and 4 elected by the voters of the territory. Ordinances made by the Council required the assent of the High Commissioner, and further imperial checks were kept on the Company's administration. A British Resident Commissioner was an *ex-officio* member of both Councils and the Secretary of State for the Colonies could disallow any legislation within a year of its enactment. The number of elected members increased with the growth of the Colony, and by 1923 there were 13. As a result of the Colony's preference for responsible government rather than absorption by South Africa, expressed in a referendum held in 1922, the first session of the first Parliament of Southern Rhodesia (now the Legislative Assembly) was opened on 30 May 1924. It consisted, as it still does, of 30 members including at the present time (1957) the Speaker, although he can be chosen from outside Parliament. The Constitution limits the number of Cabinet Ministers to 7, and there are 5 at present. In 1950 a Select Committee recommended an increase of membership to 40 and the formation of a second chamber, but the establishment of the Federation of Rhodesia and Nyasaland in 1953, although it left the Constitution and status of Southern Rhodesia unaffected, rendered an enlargement of its Parliament less likely.

Southern Rhodesia is a self-governing Colony, but the Constitution contains certain reservations, mainly relating to native affairs, and all discriminatory legislation is subject to the approval of the United Kingdom Government. No measures have so far been vetoed under these provisions. Parliamentary procedure is largely that of the House of Commons, with some alterations made necessary by smaller membership and local conditions. There is a time limit on speeches, and when the Speaker is in the Chair members may not speak for longer than forty minutes on any question, except the Minister or member in charge of a Bill or motion. The limitation does not apply to members speaking on the motion to go into Committee of Supply, but in Committee of the Whole House on a Bill or Committee of Supply members are not allowed to speak to any question for more than ten minutes. An exception to this is when a member claims, and is granted, thirty minutes to speak on policy in Committee of Supply. Only two



## South-West Africa Legislative Assembly

such speeches are permitted on each ministerial portfolio. In Committee of Ways and Means only two speeches of fifteen minutes are allowed to each member on each question proposed. The method of timing speeches is by 'traffic lights' when the Speaker is in the Chair, and by sandglasses when the House is in committee. When a member rises to speak the green light appears, and the yellow is switched on when he is within five minutes of his allowance. This gives him the necessary warning to summarize the main points of his argument and finish without any undignified hurry before the appearance of the red light. Bills may be presented in two ways—on a motion or by message. The latter method means that the Governor has transmitted by message to the Assembly the draft of a Bill 'which it appears to him desirable to introduce', to quote the Constitution. This method eliminates one possible stage—a debate on the motion for leave to introduce the Bill.

In 1957 Southern Rhodesia substantially amended its electoral law. The principal innovations were the introduction of the alternative vote (the expression of a preference on the part of the voter being, however, voluntary), and the lowering of the franchise qualifications to admit a larger number of Africans to the voters' roll, with the proviso that the number of voters registered through the reduced qualification shall be restricted to 20 per cent. of the total number of the other voters.

The Legislative Assembly building was erected during the period 1897 to 1899, and it was originally designed as an hotel. The Chamber is well-proportioned and lofty, and the Speaker's Chair was used by the administrators in the early days of the Company's history. The building houses a fine collection of portraits of past Administrators, Governors, Prime Ministers, and Speakers, and unusual features are the two lamp standards at the foot of the main staircase made from elephant tusks of exceptional size—one weighing 75 and the other 73 lb.

## SOUTH-WEST AFRICA LEGISLATIVE ASSEMBLY

After the surrender of South-West Africa by the Germans in 1915, the country was administered by South Africa under a mandate from the League of Nations, which was continued after other mandatory powers surrendered their mandates in 1946 and entered into trusteeship agreements with the United Nations. In recent years South-West Africa has been drawn into a closer political association with the Union of South Africa, and since the passing of the South-West Africa Affairs Amendment Act of 1949 has been represented in their House of Assembly by 6 members and by 4 Senators. The Union Government has refused to place the territory under the trusteeship system and to submit annual reports to the General Assembly of the

## Sovereign

United Nations, but has offered to negotiate with the United Kingdom, France, and U.S.A. to create a new instrument of mandate.

In 1925 South-West Africa was granted some measure of self-government when the Union Parliament passed the South-West Africa Constitution Act. This provided the territory with an Executive Committee, an Advisory Council, and a Legislative Assembly with 18 members, one-third of whom were appointed by the Administrator. The South-West Africa Affairs Amendment Act of 1949 abolished the Advisory Council, which had no legislative functions, and the nomination of members to the Legislative Assembly, leaving it a fully elected body. This Act also abrogated the powers of the Governor-General of the Union, granted under the mandate, to legislate for South-West Africa by proclamation, but the South-West Africa Affairs Amendment Act of 1951 restored the Governor-General's power to make laws for the territory regarding matters for which the Legislative Assembly is not competent to make ordinances. In practice these powers are delegated to the Administrator, who as representative of the Union Government and chief executive officer of the territory also assents to ordinances passed by the Assembly, or may reserve them for the signification of the pleasure of the Governor-General.

The Executive Committee consists of the Administrator as Chairman and 4 persons chosen by the Legislative Assembly. Since the abolition of the Advisory Council the Committee advises the Administrator in respect of his administrative duties and on matters of general policy, and the Administrator-in-Executive-Committee carries on the administration of those matters in respect of which the Assembly is empowered to legislate.

The Legislative Assembly, which is situated at Windhoek, has wider powers of legislation than are conceded to the South African Provincial Councils (q.v.), and as direct taxation imposed by the Union Government does not apply to South-West Africa it has financial autonomy. Members of the Assembly enjoy the usual parliamentary privileges, and speeches may be made in English or Afrikaans (the official languages) or in German—the only Parliament in the Commonwealth in which this language is used. The franchise is limited to Europeans, and the natives are not represented in the Legislative Assembly or in the Union Parliament, although one of the Senators nominated to represent the territory is selected on the ground of his knowledge of the coloured races and their requirements.

## SOVEREIGN

The Parliaments of the British Commonwealth (excluding those of the Republics within the Commonwealth) are composed of the Sovereign, or the Sovereign represented by a Governor-General (q.v.), and the upper and lower Houses of the legislature, or the single chamber

if the Parliament is unicameral as is the case in New Zealand, which several powers collectively form the legislature. The Anglo-Saxon Kings were elected by the Witenagemot (q.v.), and although the doctrine of hereditary succession was introduced by the Normans, the principle of election and consent continued until the reign of Edward IV, when the new theory arose that the King never dies, thus ensuring that henceforward the throne was never vacant. Originally the Sovereign personally exercised all the functions of government, but through the centuries most of the powers attached to the throne have been lost to its occupant. 'The Queen reigns but she does not rule', although, according to Bagehot, three rights remain to her with regard to the government of the country—the right to be consulted, the right to encourage, and the right to warn. The Sovereign's powers as the supreme executive authority in the state are almost entirely delegated to her ministers. Her main constitutional functions are to appoint as Prime Minister the leader of the majority party in the House of Commons, to grant on the advice of the Prime Minister a dissolution of Parliament (and in very special circumstances to refuse or to insist on a dissolution), to summon, open, and prorogue Parliament, to approve the House of Commons' choice of a Speaker, to assent to Bills, and to create peers. With respect to this last power, there have been occasions when a Prime Minister, wishing to secure the passage through the House of Lords of a measure supported by the House of Commons, has applied to the Sovereign for the creation of a sufficient number of peers to achieve his purpose, a notable instance being that of Earl Grey and the Reform Bill (*see* WILLIAM IV AND PARLIAMENT). Should such an occasion arise the right is reserved to the Sovereign to refuse to create the necessary peers should she consider that the House of Commons lacks the full support of the country on the issue in question. In actual practice the powers of the House of Lords have been so curtailed that it is doubtful whether such a contingency could arise to-day. The only occasion on which the Sovereign is present in Parliament is at the opening ceremony, when she reads the Speech from the Throne, prepared by the Cabinet and approved by her, outlining the Government's legislative programme for the session. Her other parliamentary functions, such as the assent to Bills, are performed by her representatives, the Lords Commissioners (q.v.).

The privilege of access to the Sovereign is enjoyed by the House of Commons through their Speaker, but the House of Lords is not only entitled as a body to free access to the throne, but each peer, as one of the Sovereign's hereditary counsellors, is entitled to a personal audience. The relationship between the Sovereign and Parliament is best stated, as Herbert Morrison has pointed out, in the recital of every Act of Parliament: 'Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

## **Speaker**

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—'. Whilst the enactment is by the Queen, it is made effective not only by and with the advice of both Houses of Parliament but by and with their consent, and the authority for the statute is clearly stated to be that of Parliament. The assertion of parliamentary responsibility could not be more clear, yet it is put in the best possible way from the point of view of the dignity of the Sovereign by the commencing words. Moreover, before a Bill can become an Act it requires the Royal Assent (q.v.) even though the power to withhold this has been dormant since the reign of Queen Anne.

Gladstone said that there was a vital distinction between the Sovereign and the Crown, which is often overlooked because the law and the conventions do not distinguish between the rights, powers, and prerogatives of the Sovereign as a person and those of the Crown. The latter is a legal idea, and the distinction has been made clearer since the passing of the Crown Proceedings Act in 1947, which enables the Crown, but not the Sovereign, to be sued in a court of law. The Sovereign is the oldest and what has proved to be the most essential part of the Constitution, and is now firmly established as the head of the British Commonwealth of Nations and its symbol of unity.

*See also* CROWN AND PARLIAMENT; ROYAL PREROGATIVE.

## **SPEAKER**

The Speakership is an ancient and honourable office and an essential feature of the parliamentary system. The Speaker is the presiding officer of the House of Commons and his authority is recognized and respected on all sides of the House. (The Speaker of the House of Lords is the Lord Chancellor (q.v.).) The only occasion on which he, or the Deputy Speaker (q.v.), leaves the Chair while the House is sitting is when the House goes into committee and the Chairman of Ways and Means (q.v.) presides over its deliberations. The function of the Speaker is to regulate debate and enforce the observance of the rules which govern its conduct. He calls upon members who wish to speak and uses his own discretion in selecting them. He is also the representative of the House of Commons in its external relations with the Crown, the House of Lords, and other authorities and persons outside Parliament. The quality most essential to a Speaker is strict impartiality, and in the House of Commons (although not in all the Parliaments of the Commonwealth) a member who accepts the office retires permanently from the political arena. One of his most important duties is to protect the rights of minorities and to ensure that their voices are heard. All members look to him for guidance in matters of procedure, and he decides points of order and gives rulings when required. These rulings constitute precedents by which subsequent

Speakers are guided. A Speaker's ruling may not be questioned, and the conduct of the Speaker may only be debated upon a substantive motion (q.v.). So great is the prestige attaching to the office that an affront to the Speaker is an affront to the House as a whole. Much has been written of the personal qualities required for the Speakership, but perhaps they are best summarized in a newspaper article quoted by Viscount Ullswater, who himself occupied the Chair of the House of Commons as Speaker Lowther: 'The office of Speaker does not demand rare qualities. It demands common qualities in a rare degree.'

The Speaker is the guardian of the privileges of the House and it is through him that the Commons claim and enjoy their right of access to the Sovereign. As the servant of the House he executes all its orders, such as the punishment of those found guilty of breach of privilege (q.v.). His authority is derived partly from custom and precedent and partly from the Standing Orders (q.v.) of the House, which clearly indicate certain duties, such as the punishment of unruly behaviour and the checking of irrelevance in debate.

The Speaker does not vote in the House except in the event of the numbers in a division being equal, in which case he is expected, if possible, to vote in such a manner as to leave the matter open for further consideration. He takes no part in debates, although according to certain precedents it is permissible for him to do so when the House is in committee. No Speaker has exercised the right since 1870, however, and for all practical purposes it may be regarded as obsolete.

The Speaker is possessed of wide discretionary powers, and in addition to interpreting the law of Parliament he is called upon to decide such matters as whether or not a *prima facie* case has been established when a breach of privilege is complained of, or whether a motion to adjourn the House on 'a definite matter of urgent public importance' conforms to the provisions of the appropriate Standing Order. He also has a number of duties imposed on him by statute: for instance, under the Parliament Act, 1911 (q.v.), he is responsible for deciding which Bills are Money Bills (q.v.) and he must certify them before they are sent to the Lords.

Until 1919 the Speaker of the House of Commons ranked as the first commoner in the land. Under an Order in Council of 30 May 1919, he takes precedence immediately after the Lord President of the Council (q.v.). He is provided with a residence within the Palace of Westminster and is the only subject who holds levees which are attended in Court dress.

On entering and leaving the Chamber the Speaker is attended by a traditional ceremonial procession in which he is always preceded by the Serjeant-at-Arms (q.v.) bearing the Mace (q.v.) upon his shoulder. While the Speaker is in the Chair the Mace lies upon the Table of the House. During the performance of his office the Speaker wears a

## Speaker

full-bottomed wig and Court dress under a black silk gown. A gold-embroidered ceremonial gown is kept for special occasions such as the Opening of Parliament (q.v.).

Most authorities maintain that it is customary not to oppose the Speaker at a General Election, but the custom was not observed in 1935, 1945, or 1950. At the latter election, however, the Speaker's opponent was an independent without party support. In 1951 the Speaker did not seek re-election. It is an established principle that any Speaker who takes part in a General Election does not participate in political campaigning. The Speaker must be a Member of Parliament (although there are certain Commonwealth Parliaments which do not apply this rule), but it has been suggested that the Speaker's constituency is denied proper representation because of the restraint imposed upon his parliamentary activities by virtue of his office. Remedies which have been put forward, and which were considered by a Select Committee which sat in 1938, are that the Speaker's should be a two-membered constituency or that some fictitious constituency should be created which he should always represent. It seems unlikely, however, that any change will be made to the position which obtains at present.

**ELECTION OF SPEAKER.** The Speaker is elected by the Members of the House of Commons from amongst themselves. He is elected at the beginning of every new Parliament, but it is customary to re-elect the Speaker of the former Parliament should he be returned to the House. The office is therefore normally held until retirement or death. When electing a new Speaker it is usual and desirable for the Government and the Opposition to agree upon a candidate and elect him to the Chair unanimously. He is normally proposed by a Government back-bencher and seconded by an Opposition back-bencher. Sometimes, however, as in 1895 and more recently in 1951, there is a contested election when the parties fail to agree upon a candidate. When the election of a Speaker takes place, the Clerk of the House (q.v.) acts as presiding officer and indicates the proposer by pointing to him. The proposer then moves that his candidate 'do take the Chair of this House as Speaker', and after he has spoken the Clerk indicates the seconder in the same manner. The custom of pointing to instead of calling upon the proposer and seconder signifies that the House has no voice while it is without a Speaker. If the election is contested a similar motion is made and seconded on behalf of the rival candidate, and a debate ensues which usually ends in a division. It is the custom under these circumstances for each candidate to vote in favour of his rival.

When the Speaker elect has been chosen, he expresses his sense of the honour it is proposed to confer upon him and submits himself to the will of the House. It was formerly the custom for the chosen member to protest his unworthiness for the office, sometimes at great

length. He even went further and, until the custom was broken by Speaker Onslow (q.v.) in 1727, the Speaker elect would offer physical resistance to his proposer and seconder when they came to conduct him to the Chair with the result that he was actually dragged to it. This custom had its origin in the genuine reluctance with which Speakers of former times often accepted office. So many came to grief through offending the King in the course of duty that the Speakership became a most unpopular appointment. To-day a Speaker elect contents himself with a token show of reluctance more akin to modesty.

When he has been conducted to the Chair, the Speaker elect, standing on the upper step of the dais, once again expresses his thanks and appreciation to the House, after which he takes his seat. The Mace, which has meanwhile been resting in the brackets beneath the Table, is now laid upon the Table, and the Speaker elect is congratulated by leading members on all sides of the House. When he leaves the House after it adjourns he is not preceded by the Mace because his appointment requires the Royal Approbation before it is confirmed. The following day the Speaker elect takes the Chair and awaits the arrival of the Gentleman Usher of the Black Rod (q.v.) to summon him to the House of Lords. Attended by Members of the Commons and preceded by the Serjeant-at-Arms bearing the Mace in the crook of his arm, he proceeds to the Bar of the House of Lords where he acquaints the Lords Commissioners (q.v.): "That in obedience to Her Majesty's command, Her Majesty's most faithful Commons have, in the exercise of their undoubted right and privileges, proceeded to the election of a Speaker", and submits himself with all humility, as the Speaker elect, to Her Majesty's gracious approbation. The Royal Approbation is confirmed by the Lord Chancellor (q.v.). According to Erskine May, the only instance of its being refused was in the case of Sir Edward Seymour in 1678. The Speaker then claims on behalf of the Commons 'all their ancient and undoubted rights and privileges', which being confirmed he retires, together with the members who attended him and the Serjeant-at-Arms, who this time bears the Mace upon his shoulder. During the proceedings described above the Speaker elect wears a small bob-wig. On his return to the Commons he retires for a brief period to change into the full-bottomed wig which he will normally wear.

**HISTORY OF THE SPEAKERSHIP.** The roll of Speakers, from Sir Thomas Hungerford, who was appointed Speaker in 1377 and was the first to be so designated, is almost unbroken. Earlier presiding officers were variously styled 'parlour', 'prolocutor', and 'procurator', and Dasent's catalogue of Speakers gives Peter de Montfort, who apparently presided over the Mad Parliament (q.v.) at Oxford in 1258, as the earliest on record. The principal function of the Speaker in those early

## Speaker

days was to act as the mouthpiece of the Commons and to communicate their resolutions to the King. It was often an unenviable task, and at least nine Speakers are known to have died a violent death, four of them during the turbulent period of the Wars of the Roses. On the other hand, the Speaker frequently turned out to be a King's man, and in the Tudor period he is described by Stubbs as being 'the manager of business on the part of the Crown and probably the nominee either of the King himself or the Chancellor'. He frequently held high office in addition to the Speakership. The practice of the Speaker vacating the Chair when the House goes into committee was originally the result of the Commons' mistrust of their presiding officer. Knowing that he was liable to betray their confidence to the King, they preferred him to be absent when they wished to debate freely.

The reign of Charles I saw the climax to the struggle between Crown and Commons and the establishment of the principle that the Speaker's first duty is to the House. In the early years of that reign the Speaker was still the King's minion, as evidenced by Speaker Finch's rebuke to an angry House: 'I am not less the King's servant for being yours.' But when in 1642 the King came to the House attended by an armed escort and demanded of Speaker Lenthall (q.v.) the surrender of five members on a charge of treason, Lenthall's famous reply left no doubt as to where the Speaker's first duty lay. Falling on his knees he said: 'May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here, and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.'

Attempts on the part of the Crown to interfere with the appointment to the Speakership did not entirely cease subsequent to this historic occasion, but they never met with any marked success. For instance, when Charles II refused to confirm the election of Sir Edward Seymour he failed to secure the election of his own candidate and was forced to compromise with the Commons on a third choice. The Commons had won the struggle and no Speaker was ever again to be a mere creature of the Crown.

The Speaker continued to have strong associations with the Government until the election of Speaker Onslow in 1728. He resigned the office of Treasurer of the Navy, which had come to be regarded as a perquisite of the Speakership, and contented himself with the proceeds of fees from Private Bills. To this great Speaker, whose term of office continued until 1761, is due the credit for setting the high standards which are to-day associated with the office. Although Onslow's level was not at first maintained by his successors, it is to him that we can trace the development of the Speakership in its modern form.

In recent years successive Speakers have upheld and increased the



prestige attaching to the Chair of the House of Commons and have successfully resisted all assaults upon its dignity. Perhaps the most notable instance in this connexion was the action taken by Speaker Brand (q.v.) in 1881 in applying the closure (q.v.) on his own responsibility as the only effective means of opposing the deliberately obstructive tactics of the Irish Nationalists. Brand's own words are worth quoting here: "The usual rules have proved powerless to ensure orderly and effective debate. . . . The dignity, the credit, and the authority of this House are seriously threatened, and it is necessary that they should be vindicated." Brand's action was firmly endorsed, and shortly afterwards the discretionary powers of the Speaker were greatly extended.

It is no exaggeration to describe the development of the Speakership as a great and truly British achievement. It is a tribute to the fair-mindedness and democratic spirit of the nation that the office is held in such high regard. To-day the Speaker is the House of Commons' man in the strictest sense. Once elected, he forgets party affiliations and is immune to external influences in any form. His salary, fixed by statute since 1834, is £5,000 per annum. In 1957, in common with Ministers of the Crown, his emoluments were increased by £750. On retirement he is normally voted a pension of £4,000 and honoured with a viscountcy.

A chronological list of Speakers appears as Appendix 5.

**THE SPEAKERSHIP IN OTHER COMMONWEALTH PARLIAMENTS.** The tradition of the Speakership has been inherited by Parliaments throughout the Commonwealth, but usually with certain modifications. Whilst in the Chair the functions of a Speaker overseas correspond with those of the Speaker of the House of Commons, and similar ceremonial attends his entering and leaving the Chamber. The dissociation of the Speaker from party politics, however, has not been achieved in so complete a manner as has been found possible in Great Britain. It is common for the Speaker to enter the political field when he is not occupying the Chair, and the continuity of office which has become an established principle of the Speakership of the House of Commons, irrespective of any change of government, is not a feature of the appointment in other Parliaments. In Canada, Australia, and New Zealand, for instance, the Speakership is regarded as a privilege of the party in power, and the occupant of the Chair usually changes with the Government. The Speaker is generally opposed in his constituency during a General Election, and fights for his seat along partisan lines like any other candidate. When the House goes into committee the Speaker does not necessarily refrain from taking part in debates and voting in divisions. It is possible that in these relatively small Parliaments which are accustomed to precarious majorities the Speaker's

## Speaker

vote in committee is regarded as too important to sacrifice. Although the subject of much criticism, this system does not necessarily reflect upon the impartiality of the Chair. It is still possible for an active politician to discharge the duties of Speaker with fairness, although it is unlikely that he can acquire the same position of detachment which characterizes the Speaker of the House of Commons and which is such a desirable attribute of the office.

In South Africa it seems to be the custom for the Speaker to hold aloof from the political arena as long as he holds the appointment, but he is not precluded from returning to active politics after completing his tenure of office. The present Minister of Finance is a former Speaker. An interesting point was once raised in South Africa, where English and Afrikaans enjoy equality as official languages, when a Speaker was asked whether a member addressing him in Afrikaans should do so as 'Meneer die Speaker' or 'Meneer die Spreker'. The Speaker replied that members were free to use either form, but that 'Spreker' hardly expressed all that the English title of 'Speaker' connoted. This reply displayed a keen appreciation of the significance of the office. It is worth noting that when, on alternate days, the Serjeant-at-Arms announces the arrival of the Speaker's procession in Afrikaans, he calls out: 'Meneer die Speaker.'

Unlike the larger Parliaments of the Commonwealth, the Parliament of the newly established Federation of Rhodesia and Nyasaland stipulates that its Speaker shall *not* be a member. Its neighbour Parliament of Southern Rhodesia does not expressly prohibit the Speaker from being a member but does not insist that he shall be. This is a useful principle to adopt in a very small legislature where the appointment of a Speaker from amongst the members can make a big and even a vital difference to the voting strength.

The traditional costume of the Speaker of the House of Commons is worn by most of the other Commonwealth Speakers, although some Parliaments have introduced their own variations of the Speaker's dress. For instance, a cocked hat is sometimes worn in place of the wig, and in Nova Scotia's Parliament the Speaker wears a top hat. When the Labour Party is in power in Australia's Federal Parliament it is customary for the Speaker to dispense with the traditional wig and gown in deference to the party's distaste for such special insignia of office.

The Parliament of British Columbia created an interesting precedent in 1950 by appointing the Commonwealth's first woman Speaker, Mrs. Nancy Hodges.

Many colonial legislatures also have Speakers, but in some cases the Governor of the Colony acts as the presiding officer.

(Further reading: Dasent, *Speakers of the House of Commons*, 1911; MacDonagh, *Speaker of the House*, 1914; Manning, *Lives of the Speakers*, 1850.)

## SPEAKER, HOUSE OF LORDS

The Lord Chancellor (q.v.) acts as Speaker of the House of Lords, and in this capacity he receives a salary of £4,000. He does not exert the same authority and disciplinary powers in the regulation of debate as the Speaker of the House of Commons.

## SPEAKER'S CHAIR

An essential and imposing article of furniture in the House of Commons and many other legislative chambers. It stands upon a dais and is so situated as to afford its occupant a commanding view of the entire Chamber. The present Speaker's Chair in the House of Commons was the gift of the Australian Federal Parliament. It is a magnificent specimen of the art of the woodcarver, and as one would expect of such a chair, is fully in keeping with the dignity and authority of the office of Speaker.

## SPEAKER'S CHAPLAIN

The first regular chaplain to the House of Commons was appointed in 1659. In the time of William III the custom was adopted of providing for the chaplain at the termination of his office by obtaining for him from the Crown an appointment to a benefice, but it was abandoned in 1835 owing to the opposition of Hume. Since then the chaplain has been nominated by the Speaker and receives a salary of £500 a year. He takes part in the Speaker's daily procession into the House and conducts prayers before the commencement of each sitting. There is an old parliamentary joke to the effect that the chaplain looks at the assembled Members of Parliament and prays for the country.

*See also* PRAYERS IN PARLIAMENT.

## SPEAKER'S CHOP

The term applied to an unofficial adjournment of the House which was instituted in the 19th century to enable the Speaker to have his dinner. Nowadays the Speaker can be relieved by a deputy at any time without the specific leave of the House and there has ceased to be any necessity for such an institution.

According to Sir Henry Lucy, a member who was mentally deranged once went behind the Chair and 'tried to eat the Speaker's Chop'!

## SPEAKER'S CONFERENCES

Conferences of Members of the House of Commons of all parties set up to consider questions of electoral reform under the chairmanship of the Speaker. The first was convened in 1866, and its recommendations were embodied in the Representation of the People Act of 1918. The next conference was held in 1929-30 with Lord Ullswater, who as Speaker Lowther had presided over the first conference, as Chair-

## Speaker's Counsel

man. After fifteen sittings this conference ended without coming to any agreement over the questions of the introduction of proportional representation and the alternative vote. The next conference was held in 1944 with 32 members besides the Speaker. Its terms of reference were: To examine and, if possible, submit agreed resolutions on the following matters: (a) Redistribution of seats; (b) Reform of franchise; (c) Conduct and costs of parliamentary elections; (d) Methods of elections. Its recommendations were published in May and July 1944 in the form of letters from the Speaker to the Prime Minister, but although agreement was reached on everything except an alteration in the voting system, the Representation of the People Bill introduced by the Labour Government in 1948 did not adhere to the conference's proposals, and abolished the university seats and the business vote.

## SPEAKER'S COUNSEL

First appointed in 1838 as the result of a recommendation made by the Select Committee on Private Business in the session of 1837/8. He advises the Chairman of Ways and Means on Private Bill legislation, and is a member of the Court of Referees (q.v.). He acts as legal adviser to the Statutory Instruments Committee, and has the general duty of advising the Speaker on any point of law not concerned with procedure. He also acts as Chairman of the Model Clauses Committee (q.v.) and is available to members seeking advice on statutory instruments (q.v.) and other legal matters connected with the government of the country.

In the House of Lords the Lord Chairman of Committees also has the assistance of a counsel who performs a function similar to that of the Speaker's Counsel, and who also acts as adviser to the Special Orders Committee.

## SPEAKER'S PROCESSION

It is the custom in Commonwealth Parliaments for some ceremony to be observed in the passage of the Speaker from his office or apartments to the Chair at the commencement of a sitting. The formal procession in the House of Commons is led by a Badge Messenger followed by the Serjeant-at-Arms with the Mace, the Speaker, his train-bearer, and finally his chaplain and secretary. In other Parliaments the Clerks often take the place of the chaplain and secretary in the procession.

During the last war, when the Commons' Chamber was destroyed and they were using the Lords' Chamber, the Speaker's procession had to take a longer route through the Central Hall. This was very popular and enabled many visitors to see the procession, and now the Chamber of the House of Commons has been rebuilt the longer route has been retained instead of returning to the shorter pre-war route which only crossed the Members' Lobby.

## SPEAKERS' RULINGS

Lord Campion has described Speakers' rulings as the third main basis of procedure (q.v.), the other two being the 'practice of the House' and the Standing Orders (q.v.). He points out that some Standing Orders give the Chair discretionary powers and others lay down mandatory rules which it is the duty of the Chair, as of other members, to follow. However, cases arise which contain some element of doubt or some feature which was not foreseen or provided for by the Standing Order in question. When in such cases disagreement arises among members as to the application of the Standing Order, it becomes the duty of the Speaker or Chairman to explain the interpretation he puts upon it—in other words to 'give a ruling from the Chair'. All rulings are preserved for future reference as precedents, and during the last hundred years have been printed for official use. The more important rulings are incorporated into successive editions of Erskine May's *Parliamentary Practice*.

## SPEAKERS' SALARIES

See APPENDIX 2.

## SPEAKER'S STATE COACH

The oldest of the three great ceremonial coaches, the others being the Royal State Coach and the Lord Mayor's Coach, used by the Speaker of the House of Commons on special state occasions such as the coronation of a new Sovereign. It dates back to the reign of William III, weighs 2½ tons, and is lavishly ornamented. Not every Speaker has the opportunity of using the coach, but the coats of arms of those who have used it are inscribed upon it.

## SPECIAL ORDER

A term in use in the House of Lords denoting a statutory instrument (q.v.) which requires affirmative resolutions of both Houses to give it the force of law. Erskine May describes special orders, as originally introduced in 1919, as 'a minor variant upon the provisional order system', the difference between a special order and a provisional order being that the former required affirmative resolutions and the latter a confirming Bill (see PROVISIONAL ORDER BILL). To-day this definition does not exactly fit the term as it is understood in the House of Lords. In 1924 the upper House set up a Special Orders Committee whose function was, and is, to examine all rules and orders requiring affirmative resolutions of both Houses and to report to the House on any questions of principle, policy, and precedent which such rules and orders might raise. These statutory instruments have become known in the House of Lords as special orders, and the affirmative resolutions

## Special Procedure Order

required to give them the sanction of the upper House may not be moved until the Special Orders Committee has reported on them.

## SPECIAL PROCEDURE ORDER

A statutory order issued by a minister in terms of the Statutory Orders (Special Procedure) Act, 1945. Special procedure orders are made in connexion with matters which would otherwise require private legislation, and they have largely superseded (except in Scotland) the provisional order system which was itself originally introduced as a means of reducing the volume of Private Bills (q.v., *and see also* PROVISIONAL ORDER BILL). The Statutory Orders (Special Procedure) Act, 1945, provides a simplified machinery for conferring powers upon local authorities and other bodies. Under the provisional order procedure an Act of Parliament is required to confirm each order issued, but the special procedure order has dispensed with this necessity and parliamentary confirmation is not normally required to give such an order the force of law. Copies of all special procedure orders must, however, be laid before both Houses, and any order can be annulled by resolution of either House. As with provisional orders, special procedure orders must be given all necessary publicity, and parties whose interests are affected by an order must be notified and are entitled to petition against it. A petition may be one of general objection or it may merely pray for amendment. Petitions of the latter class, once they have been certified by the Lord Chairman and the Chairman of Ways and Means as 'proper to be received', are referred for consideration to a Joint Committee consisting of 3 members from each House, unless a motion for annulling the order concerned has previously been carried. A petition of general objection is normally considered in the House itself, but it may be referred to a Joint Committee if either House considers that it requires more detailed scrutiny. A resolution to annul a special procedure order may be moved notwithstanding that no petition has been presented against it.

## SPEECHES IN PARLIAMENT

Until the time of the elder Pitt speeches in the House of Commons were not notable for their length. His orations, however, made the 2- or 3-hour speech popular with parliamentarians, and by 1831 Lord Brougham brought the trend to a climax with a 6-hour speech on law reform. Chancellors of the Exchequer have more excuse than others for making long speeches, and Gladstone when occupying that office in 1853 achieved 5 hours, while Lloyd George did nearly as well with 4 hours 51 minutes when introducing his Budget in 1909.

Speeches must always be addressed to the Chair, and in Commonwealth Parliaments are made from the member's place—in many foreign Parliaments members leave their seats and speak from a

rostrum. The reading of written speeches has never been recognized in the British Parliament. Members may use notes and read extracts from documents, while ministers sometimes read statements when they are of an abstruse nature, but generally speaking the language used by a member must be delivered in the form of an unwritten composition. The purpose of this rule is primarily to maintain the cut and thrust of debate, which depends on successive speakers moulding their speeches to some extent upon the arguments of earlier speeches. The House of Lords has shown more tolerance to the reading of speeches than the lower House, although they recommended in 1641 'that reading of formal Speeches and Answers out of Papers in this House is no Parliamentary way'. Nearly three hundred years later their Lordships had to take notice of the question again, and in 1936 approved a resolution: 'That in the opinion of this House the growing practice of reading speeches is to be deprecated as alien to the custom of the House and injurious to the traditional conduct of its debates.'

With the exception of the British Parliament, the larger Parliaments of the Commonwealth impose time-limits on speeches. These limitations vary according to the nature of the business under discussion—e.g., in Australia 45 minutes are allowed to the mover of the second reading of a Bill and other members may speak for 25 minutes on these occasions, while on a motion for allotment of time when urgent business is to be discussed a member is only allowed 5 minutes. A system of light signals for timing speeches is described under SOUTHERN RHODESIAN PARLIAMENT.

## SPEECH FROM THE THRONE

*See* DEBATE ON THE ADDRESS.

## 'SPYING STRANGERS'

*See* SECRET SESSION; STRANGERS.

## STAGES OF BILLS

*See* BILL, PASSAGE OF.

## STANDING COMMITTEES

The lengthiest of the processes that a Bill has to go through before it becomes an Act is the committee stage, and in the House of Commons until 1882 this was taken in Committee of the Whole House (q.v.). Then, under the pressure of Irish obstruction, the House agreed to refer this stage in the case of certain Bills to two Standing Committees. In 1907 this was increased to four, and in 1919 to six. Although in 1947 it was agreed to have 'as many as shall be necessary', five is the maximum number which can sit simultaneously in view of the accommodation, staff, and reporters available. A Standing Committee of

## Standing Orders

the House of Commons has no permanence or individuality; its members are constantly changing; it is distinguished only by a letter of the alphabet; and it does not receive one type of Bill more than another. It is a miniature Committee of the Whole House, preserving relative party strengths, brought into existence by the simple calculation that four committees can get through four times as much work as the single Committee of the Whole House. One of these Standing Committees is appointed for the consideration of Public Bills relating exclusively to Scotland, and consists of all the members representing Scottish constituencies together with not less than 10 or more than 15 other members. The Scottish Standing Committee differs from the others in that new powers were given it in 1948 to consider a Bill in relation to its principle, when debate follows the lines of a second reading debate in the House, and also to consider the Scottish estimates on not more than six days in any session. Each of the other Standing Committees consists of 20 members nominated by the Committee of Selection (q.v.), which also has power to add not more than 30 members to each. The Chairman of each Standing Committee is appointed by the Speaker from the Chairmen's Panel, which is nominated by him at the commencement of every session. The rules of debate observed in Committee of the Whole House are followed in a Standing Committee, and members of it address the Chair standing, and may not refer to other members by name, or smoke. Other members have the right of access as spectators to the sittings of Standing Committees and strangers are also admitted, but a committee can order them to withdraw if it so desires. The Select Committee on Procedure recommended in 1957 that the quorum of a Standing Committee, other than the Scottish, should be 15 where the committee has 45 or more members, and 12 where there are from 35 to 44 members, the Chairman being included. Official Reports of Standing Committee debates are published and are obtainable from H.M. Stationery Office.

A record sitting of nearly 26 hours was set up by the Scottish Standing Committee on 21-22 May 1957. Standing Committees of the House of Commons meet on Tuesday and Thursday mornings.

In the rest of the British Commonwealth the term 'Standing Committee' generally refers to committees, such as Standing Orders Committees, which are set up at the beginning of every session. They are not possible on the British pattern owing to the very much smaller number of Members of Parliament available in the other Commonwealth countries.

## STANDING ORDERS

The printed rules which regulate procedure, debate, and the conduct of members in a legislature. According to Lord Campion, the Standing Orders of the House of Commons in their process of development may



be divided roughly into two groups: (1) those adopted between 1832 and 1878, the purpose of which was to give the Government rights over the order of business and the distribution of the time of the House commensurate with the increased importance of the Cabinet in the parliamentary system, and (2) those passed since 1878, which reflect the impatience of democratic governments in the face of obstacles to the achievement of a vast annual output of legislation. Before 1832 the procedure of the House of Commons formed an unwritten code based on precedent and developed by various interpretations and Speakers' rulings (q.v.). In the 18th century the financial rules were defined, and these are the oldest of the existing Standing Orders (Nos. 78, 79, & 81 of the 1956 edition). After 1832 precedent and improvisation were no longer adequate to provide for the increasing pressure of business, and the House began for the first time in its history deliberately to create and reform its procedure. The recommendations of numerous Select Committees appointed to examine different aspects of procedure during the 19th century became Standing Orders, where they were approved by the House, and by the end of the century those relative to Public Business had grown to nearly a hundred. There are also Standing Orders for the regulation of Private Business, and these affect every stage of a Private Bill (q.v.) prior to and after presentation. Standing Orders can be suspended by order of the House for various purposes.

The Standing Orders of the House of Lords were superimposed on the old, unwritten practice of Parliament—for instance, the order forbidding a peer from making more than one speech on any motion was made a Standing Order in 1626, and is alluded to even then as the 'ancient order of the House'. A revision of the Standing Orders was made in 1888, but no radical revision had been made for nearly two hundred years until 1954, when as the result of the appointment of a Select Committee many obsolete orders were excised and some new ones added. The committee recommended that those orders which were of great historical interest but which were not now applicable should be preserved in an Appendix to the revised Standing Orders.

## STANDING ORDERS COMMITTEE

**HOUSE OF COMMONS.** The Standing Orders Committee is appointed by Standing Order each session, and consists of the Chairman of Ways and Means (who, when present, is *ex-officio* Chairman of the Committee), the Deputy Chairman, and 8 members appointed by the Committee of Selection (q.v.) at the commencement of every session. Three form the quorum, and the committee has the assistance of the Speaker's Counsel. The function of the committee is to determine whether, and to what extent, and under what conditions, compliance with Standing or Sessional Orders may be dispensed with in the case

## Statute

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of Private or Hybrid Bills, and to perform certain other duties in relation to such Bills. They report their decisions to the House.

**HOUSE OF LORDS.** A similar committee is appointed at the beginning of each session in the House of Lords, consisting of the Lord Chairman of Committees (who is always Chairman of the committee), and such other Lords as are named by the House. Three peers, including the Chairman, form a quorum on opposed cases, while it is the practice on unopposed cases that one member can act alone,

Other Commonwealth Parliaments which are concerned with private legislation also appoint Standing Orders Committees.

## STATUTE

A statute was originally a decree of the Sovereign. The word 'statutum' (it is decided) from which it is derived suggests the exercise of a prerogative power. To-day a statute is a law or enactment of a legislative authority, such as an Act of Parliament (q.v.).

## STATUTES OF WESTMINSTER

The first Statute of Westminster was passed in 1275. It laid down among other things that elections should be free and undisturbed and that girls should not be married until they were seven years old, but it seems unlikely that the elections mentioned were parliamentary. There were two more Statutes of Westminster in 1285 and 1290 dealing with such subjects as the appointment of justices of assize and the alienation of land, but the Statute of Westminster is the one passed in 1931 which put the status of equality of the self-governing Dominions with the United Kingdom on a statutory basis. As early as 1921, at the first Imperial Conference held after the First World War, Lloyd George said, 'They (the Dominions) have achieved full national status. They now stand beside the United Kingdom as equal partners in the dignities and the responsibilities of the British Commonwealth.' This principle received formal expression in the historical definition agreed to at the Imperial Conference at Ottawa in 1926. Describing the position and mutual relations of the group of self-governing communities composing Great Britain and the Dominions, it said, 'They are autonomous Communities within the British Empire equal in status, in no way subordinate one to another in any aspect of their domestic and external affairs, though united by a common allegiance to the Crown and freely associated as Members of the British Commonwealth of Nations.' The result of discussions at that Conference was the appointment of the Inter-Imperial Relations Committee under Lord Balfour, and its report showed that there still remained certain forms and machinery forming part of the old system of centralized control which had become

obsolete. Ministers in the United Kingdom could exercise control over Dominion legislation by advising the King to disallow an Act; after it had been passed by one of the legislatures and assented to by the King's representative, the Governor-General, it could be nullified by an order from England. There was also the method of reservation, by which the Governor-General could be directed not to assent to a Bill which had been passed by the local legislature, and a Bill so reserved could not come into operation until the King's Assent had been given to it on the advice of his ministers in the United Kingdom. Another limitation of powers was a general provision embodied in the Colonial Laws Validity Act of 1865, the effect of which was that the Dominion law, if repugnant to a provision of a United Kingdom Act extending to the Dominion, was void to the extent to which it was repugnant—in other words, there was an overriding power in Acts of the United Kingdom. Lastly, there was a limitation to the power of Dominion Parliaments to give extra-territorial effect to their legislation. The legal problems involved in the consideration of these matters were too intricate to be dealt with by the 1926 Conference, and a special Conference on the Operation of Dominion Legislation met in 1929, whose Report was approved and adopted by the Imperial Conference of 1930. Its recommendations were designed both to carry into full effect the principle of equality of status and to indicate methods for maintaining and strengthening the practical system of free co-operation. The 1930 Conference set out in its Report the clauses which would be required in a United Kingdom statute to remove the limitations already mentioned, and settled the procedure by which the Dominion Parliaments (Canada, Australia, New Zealand, South Africa, the Irish Free State, and Newfoundland) were to be asked to approve and request the passage of legislation by the United Kingdom Parliament. This was agreed to by the Governments concerned, and the Statute of Westminster received the Royal Assent on 11 December 1931. It is important to note that although this statute abolished the remnants of imperial legislative power, it left the Sovereign intact as the constitutional centre of the Commonwealth. Its preamble expressly states that the British Commonwealth is united by a common allegiance to the Crown, and that any alteration in the law touching the succession to the throne or the Royal Style and Titles shall require the assent of all the Parliaments of the Dominions as well as that of the United Kingdom Parliament.

### STATUTES REVISED

*See* PUBLIC GENERAL ACTS.

### STATUTORY INSTRUMENTS

Rules and regulations made by ministers and government departments under the authority of a statute. An Act of Parliament conferring

## Statutory Instruments

this power always contains a section of which the following is a typical example: 'Any power conferred by this Act on the Minister to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.'

Some Acts also give power to a statutory instrument to appoint the day on which they shall come into force; others provide for the amendment of their own schedules by statutory instrument.

Statutory instruments are classified, like statutes, as either general or local and personal. In peace-time the local instruments far outnumber the general, but in war-time the general predominate as a result of emergency legislation which gives the Government wide powers to make regulations. An example is provided by the Goods and Services (Price Control) Act, 1941, under which hundreds of regulations were made. About half the statutory instruments made are required to be laid before Parliament, and some automatically become law by an affirmative resolution of the House, generally where a major issue is concerned. In other cases a statutory instrument can be annulled if a member succeeds in moving a 'prayer' (q.v.) against it during the forty days after it has been laid, when it is vulnerable to such action. Statutory instruments cannot be amended by Parliament, although this was advocated in the Preservation of the Rights of the Subject Bill, which reached a second reading in the House of Lords in 1947.

Statutory instruments laid before Parliament are referred to a Select Committee which was established in 1944 and is appointed each session. The duties of the committee are to scrutinize statutory instruments for those which impose a charge on public revenues or make unusual or unexpected use of the powers conferred by the Act, and to those containing ambiguities or which are not clearly expressed. The committee reports to the House such orders as seem to call for special attention, but it cannot report detailed opinions on them.

Rules, orders, and regulations made under an Act of Parliament were previously known as statutory rules and orders, and were first published in annual volumes in 1890. The Statutory Instruments Act, 1946, which was brought into force on 1 January 1948, gave the more comprehensive name of statutory instruments to all this subordinate legislation. Statutory instruments which are required to be laid before Parliament are 'laid on the Table' of both Houses for the specified period, and in the House of Lords they are examined by the Special Orders Committee. Statutory instruments dealing with finance are laid before the House of Commons only.

An edition of Statutory Rules and Orders and Statutory Instruments revised to 31 December 1948 has appeared in 25 volumes, and supplementary volumes are issued annually.

*See also* DELEGATED LEGISLATION.

# STEPHEN (1097?-1154)

Son of the fourth daughter of William I and the Count of Blois, whose claim to the English Crown was preferred to that of Matilda, daughter of Henry I. Crowned in December 1135.

# STRANGERS

Any person within the precincts of the Palace of Westminster who is neither a peer, nor a Member of the House of Commons, nor an officer of either House, is officially regarded as a stranger. The term is used in the cry, 'Hats off, strangers', which heralds the approach of the Speaker in procession, and the Public Galleries are more correctly called 'Strangers' Galleries'. The term is also used in the wording of a motion to clear the galleries, which has become the customary preliminary procedure when the House wishes to go into secret session. It is the custom for a member introducing such a motion to look up at the galleries and pronounce the words, 'I spy strangers!', whereupon the Speaker puts the question, 'That strangers do withdraw.' At one time it was sufficient for a single member to 'spy strangers' to require the instant clearing of the galleries, but as the result of a distasteful incident which occurred on 27 April 1875, when no less a person than the Prince of Wales was compelled to withdraw from the House of Commons gallery because one member drew attention to the presence of strangers, a resolution was adopted requiring a majority vote of the House before strangers could be excluded. No debate is permitted on the motion, 'That strangers do withdraw', and no amendment to the motion may be moved.

These days any member of the public wishing to listen to a parliamentary debate can do so provided there is room for him in the gallery, but Parliament has not always been so hospitable in its attitude towards strangers. One of the original duties of the Serjeant-at-Arms was the 'taking into custody of such strangers who presume to come into the House of Commons'. Instances are recorded of strangers, having wandered either deliberately or involuntarily into the precincts of Parliament, receiving extremely rough handling, for great importance was attached to preserving the secrecy of debate. However, Parliament came to view strangers with greater tolerance, and in the late 18th and early 19th centuries the doorkeepers and messengers were able to supplement their incomes substantially by receiving gratuities from strangers in return for admitting them to the galleries.

The official use of the word 'stranger' is yet another symbol of the ancient privileges of Parliament, implying as it does the distinction between a member and a non-member and the fact that an outsider is permitted within the confines of the Palace of Westminster on tolerance only and not by right.

## Subsidiary Legislation

### SUBSIDIARY LEGISLATION

Legislation imposed by the executive by means of statutory instruments (q.v.), orders, or regulations made by authority of an Act of Parliament, as opposed to principal legislation which is imposed by statute.

*See also* DELEGATED LEGISLATION.

### SUBSIDIARY MOTION

'This type of motion is dependent upon, or related to, other motions, or it may follow upon some proceeding in the House.' Amendments and dilatory and ancillary motions are all subsidiary motions, and are dealt with under their respective headings. The mover of a subsidiary motion has no right of reply.

### SUBSTANTIVE MOTION

A motion which is not incidental to any other business of the House, but is a self-contained proposal submitted for its consideration, and drafted in such a way as to be capable of expressing its decision. A substantive motion usually requires notice, whereas a subsidiary motion (q.v.) does not. The actions of certain high personages can only be discussed on a substantive motion: they are the Sovereign, the Heir to the Throne, the Governors-General of the Dominions, the Lord Chancellor, the Speaker, the Chairman of Ways and Means, Members of the Lords and Commons, and Judges of the Superior Courts of the United Kingdom. The mover of a substantive motion has the right of reply.

### SUFFRAGE

The right or privilege of voting, or the exercise of that right. Universal adult suffrage is the system whereby every national has a vote on reaching adult age, usually twenty-one. In the early years of the 19th century the idea of universal suffrage, without any income, property, sex, or literacy qualification, was repugnant to all but the more advanced thinkers. Even much later in the century many people, including J. S. Mill in his *Representative Government*, found it difficult to reconcile such a wide application of the suffrage with illiteracy. However, this obstacle was removed in Britain with the spread of universal and compulsory education, and now in countries like India and Pakistan, which have a large proportion of illiterates, literacy is not considered to be an essential qualification for obtaining a vote. It is now recognized that adult suffrage is the only method which secures the fair representation of all elements of the population and absolute equality of political rights to every adult citizen.

## SUFFRAGETTES

The term applied to female agitators for votes for women. John Stuart Mill was among the first to bring this question into prominence, and as well as pleading for political equality for women in his writings, constantly advocated it in the House of Commons. Lord Brougham was responsible for the passing of an Act in 1849 which declared that 'words importing the masculine gender shall be deemed to include females, unless the contrary is expressly provided', but the 1832 Reform Act had introduced the term 'male person', and that was to stand for nearly a century. In 1870 Jacob Bright introduced a Women's Suffrage Bill, but he received no support from his more famous brother John, and still less from Mr. Gladstone, who for once was in complete agreement with Queen Victoria in her dislike of the idea of women's emancipation—whether political or otherwise. From 1870 onwards, frequent attempts were made in Parliament to enfranchise women, and at least seven Bills got as far as a second reading before the vote was obtained. Outside Parliament, agitation began with the formation of Women's Suffrage Societies in 1867, and before the First World War three hundred of these societies were affiliated to the National Union of Women's Suffrage Societies. By 1905, the question was a live political issue which received more support from Labour than from the two older parties. The Women's Social and Political Union, founded in 1903 by Mrs. Pankhurst, introduced the militant 'suffragette' as opposed to the constitutional suffragist represented by the Women's Suffrage Societies. These were entirely opposed to the new methods of demonstrations, monster processions, destruction of public and private property, and in fact any action, whether legal or illegal, which would induce the Government of the day to accede to their demands. A Parliamentary Franchise (Women) Bill passed its second reading in 1910, and a Women's Enfranchisement Bill in 1911 reached the same stage, but they were Private Members' Bills and the Government, faced with a constitutional crisis regarding the House of Lords, could give them no facilities. These Bills were known as Conciliation Bills because they proposed, as a first step, to give the vote only to women who were householders. As a result of this disappointment the suffragettes increased their activities, and many women were imprisoned. In 1913 one of them threw herself in front of the King's horse while the Derby was being run and was killed. The disturbances caused by the suffragettes undoubtedly diminished public sympathy for their cause, and further Bills introduced in Parliament in 1912, 1913, and 1914 were still unsuccessful. At the outbreak of the First World War the suffragettes called off the struggle and devoted themselves to war-work. In 1917 a Speaker's Conference (q.v.) reported unanimously in favour of some measure of suffrage for women, and in 1918 the goal was

## Superseding Motion

reached with the passing of the Representation of the People Act—the fourth ‘Reform Act’. Under this Act the minimum age for ‘women voters was thirty, but by the passing of the Representation of the People (Equal Franchise) Act in 1928 women achieved absolute equality with men as regards both parliamentary and local government elections.

(Further reading: Fulford, *Votes for women*, 1957.)

## SUPERSEDING MOTION

Dilatory motions and the ‘previous question’ (q.v.) come under this class because if carried they supersede the original question, and must be disposed of before the debate on the original question can be resumed.

## SUPPLEMENTARY ESTIMATES

See ESTIMATES; PROCEDURE, FINANCIAL.

## SUPPLEMENTARY QUESTIONS

See QUESTIONS.

## SUPPLY

The grants of money which are voted annually by Parliament for the maintenance of the Army, the Navy, the Air Force, and the Civil Service. The requirements of the various public departments are drawn up in the form of Estimates (q.v.) which are presented to Parliament for consideration. The right of considering and approving grants of Supply and of initiating financial legislation is reserved to the House of Commons (q.v., and see also PRIVILEGE, FINANCIAL). The Estimates are debated in Committee of Supply, a Committee of the Whole House (q.v.) which is appointed at the beginning of each session, and which must approve all Estimates before legislation can be introduced to give them legal force. The consideration of Supply constitutes the bulk of the session’s financial business, and twenty-six days, known as Supply Days, are specifically allotted each session to this purpose. (See also PROCEDURE, FINANCIAL.)

The expenses of government are those of the Crown, and originally this was a literal as well as a technical fact. The King, like his nobles and gentry, was a great landed proprietor with his own incomes out of which he was expected to find the wherewithal to govern. That which we know as the Treasury (q.v.) once consisted of the King’s own personal resources. As the expenses of government increased the Treasury became insufficient to meet them and the King was compelled to seek assistance from Parliament. It was due to the King’s ever-increasing financial needs, and to no other reason, that the Commons were



originally summoned to attend Parliament. As the King came to rely more and more upon the Commons for money, it was only natural that they should make use of the weapon which their Sovereign's necessity placed in their hands, and it became customary to demand redress of their grievances before they would consent to grant Supply. (Incidentally the early meaning of the word 'supply' was 'to make up a deficiency'.) This ancient right of the Commons survives to-day as the basis of all Supply debates; thus the Commons are entitled, before sanctioning the Estimates, to raise any matter for discussion which they feel requires attention. It is the custom for a very wide and discursive debate to take place on the motion to go into Committee of Supply, known as 'getting the Speaker out of the Chair', which is the recognized opportunity for a member to raise any matter he thinks fit. The debate in Committee of Supply on the Estimates themselves is also broad in scope although it must be related to the item of expenditure under discussion.

The Committee of the Whole House developed its two distinct functions as Committee of Supply and Committee of Ways and Means in 1641. To-day the main function of the Committee of Supply is to approve expenditure, that of the Committee of Ways and Means to authorize taxation. Originally the distinction was not so clear as all grants were raised by directly assigning the proceeds from certain taxes to specific purposes. Both committees therefore performed a similar function, although it would seem that the Committee of Supply was concerned with regular taxes which yielded a more or less constant revenue, whilst the Committee of Ways and Means was set up to devise new methods of raising money. During the course of the 18th century the authorizing of expenditure became clearly distinguished from the imposition of taxation, the former becoming the special function of the Committee of Supply. The procedure on Bills for granting aids and supplies was evolved in the first half of the 17th century and remains fundamentally the same to-day. Supplies were initially voted in the form of resolutions in Committee of the Whole House and the authorizing Bill was drafted in accordance with these resolutions. The essential characteristic of such a Bill was that it granted money to the Sovereign by the authority of Parliament and predominantly of the Commons, and this is still made apparent to-day in the preamble of a Bill of aids and supplies (*see APPROPRIATION ACT and FINANCE ACT*).

Although the Commons controlled the provision of money it was not until the 18th century that they gained full control over public expenditure. Before the Restoration no regular provision was made for the ordinary expenses of government and the King relied upon his hereditary revenues and other non-parliamentary incomes, together with such aids and supplies as Parliament could be persuaded to grant.

## Supply

After the Restoration the practice arose of granting the Sovereign a regular income to cover the ordinary expenses of government, whilst extraordinary expenditure was met by special grants which were voted annually. Both Charles II and James II received an annual allowance of £1,200,000, voted by Parliament 'for the constant yearly support of His Majesty'. No other purpose was specified for the money and it was left to the King to dispose of it as he thought fit. The annual Supply grants which were voted to meet extraordinary expenditure were, however, assigned to particular purposes. The principle of appropriation dates back to the 14th century, but it was after the Restoration that it came to be applied in earnest. Thus, in the latter half of the 17th century provisos came to be included in Supply Bills specifying the purposes for which the money was being made available and stipulating that it should be used 'to no other purpose whatsoever'. During the reign of William III the annual income which Parliament granted to the Sovereign came to be known as the Civil List (q.v.), and as the sum of money granted was invariably insufficient the Sovereign was compelled to ask the Commons from time to time for 'grants-in-aid of the Civil List'. It therefore became necessary to relieve the burden upon the royal income, which meant that further public expenses had to be met from annual Supply grants. At the same time the need to maintain a standing army and navy necessitated a recurring expenditure hitherto unknown, and the expenses of the two armed services took their places alongside the Civil List as major branches of regular expenditure. Before long the civil expenses met from Supply grants exceeded the Civil List itself and yet a new branch of expenditure came to be created known as the Miscellaneous Supply Services. Thus towards the end of the 18th century three of the great divisions of expenditure we know to-day had taken form and the 'extraordinary' expenses which Supply grants had originally been designed to meet had assumed their permanent character.

Until the reign of George III the Commons made no attempt to direct the expenditure of the Civil List revenues; indeed, proposals to do so were more than once turned down as being contrary to tradition and derogatory to the Crown. It was not until 1777 that the Commons, disturbed by the King's repeated extravagances, demanded that accounts be presented before agreeing to meet his huge debts. In 1782 Lord Rockingham stipulated the reform of the Civil List as one of the conditions of his forming a Government, and parliamentary control over ordinary civil expenditure thus became established. To-day the expenses of government are no longer charged upon the Civil List, which has become the Sovereign's personal income.

Parliament thus controls all expenditure. Under modern procedure the expenses of government fall into two divisions: those charged directly upon the Consolidated Fund (q.v.), the great financial pool of

the nation which was inaugurated by Pitt in 1786, and those which are voted annually. The former include the Civil List, payments of interest on the National Debt, and the salaries of certain high officials. These charges are fixed by statute and are not subject to annual review. The expenses which are considered annually are those of the Army, the Navy, the Air Force, and the Civil Service. The Sovereign, therefore, no longer supports the government, but the government supports the Sovereign; the hereditary revenues of the Crown have become state revenues, and the machinery of government is paid for with Supply grants. Once voted, grants of Supply are also charged upon the Consolidated Fund. Under former practice they were met from the proceeds of certain taxes specifically assigned to the purpose, but to-day all revenue is paid into the Consolidated Fund and all expenditure issues from it.

## SUPPLY, COMMITTEE OF

*See* COMMITTEE OF THE WHOLE HOUSE; ESTIMATES; PROCEDURE, FINANCIAL; SUPPLY.

## SUPPLY DAYS

The twenty-six days which are allotted each session to the consideration of the Estimates (q.v.) by the House of Commons in Committee of Supply. Supply debates are not necessarily confined to these twenty-six allotted days, but they represent the minimum amount of time which must be devoted to Supply during a session. It is customary for the Opposition to select the subject for discussion on these days.

*See also* PROCEDURE, FINANCIAL.

## SUPPLY, MINISTER OF

The Ministry of Supply Act, 1939, created this Ministry and gave the Minister general powers to buy, manufacture, and sell articles for the public service. His responsibilities were greatly increased when the war began, as besides being the supply department of the War Office, his Ministry controlled many branches of war production affecting all the government departments. It is now responsible for the supply of aircraft and munitions, including atomic weapons and guided missiles, and of raw materials in general. The wartime Ministry of Aircraft Production was absorbed by the Ministry of Supply in 1946.

The Minister, who is not always a member of the Cabinet, receives a salary of £5,000 per annum and his Parliamentary Secretary £2,500. Both are entitled to an additional £750 if they sit in the House of Commons.

A chronological list of Ministers of Supply appears as Appendix 28.

**Suspension of a Member**

**SUSPENSION OF A MEMBER**

*See* 'NAMING' A MEMBER.

**SUSPENSION OF SITTING**

*See* SITTINGS OF THE HOUSE OF COMMONS.

# T

## TABLE OFFICE

In the House of Commons this office assists the Clerks-at-the-Table in the preparation of the Notice Paper and the Order Book, but its principal work is dealing with Notices of Questions addressed to ministers from members, and the office is staffed outside sitting hours and on Saturdays for the purpose of receiving them. It also prepares the regular schedule showing the daily order in which ministers attached to the various departments will answer questions. This office has part of its accommodation adjoining the Chamber, where it is convenient for members to find out whether their questions are in order and to obtain advice on motions and amendments or other matters regarding procedure.

## TABLE OF THE HOUSE

An essential part of the furniture of the House of Commons and other British legislative chambers. The Table is situated in front of the Speaker's Chair between the two front benches, so close that front-bench members are often seen with their feet resting on the Table. The Clerk of the House (q.v.) and his colleagues on duty in the Chamber sit at the Table with their backs to the Speaker (hence the term 'Clerks-at-the-Table'). The Mace (q.v.), always present when the House is in session, reposes in brackets on top of the Table when the Speaker is in the Chair, and is transferred to lower brackets when the Chairman of Ways and Means (q.v.) presides. Both sets of brackets are situated at the end of the Table opposite to that at which the Clerks sit. The Table of the House also accommodates the two Despatch Boxes (q.v.). When the House is in committee the Chairman also sits at the Table next to the Clerk of the House. Papers and reports presented to the House are said to be 'laid upon the Table', and in some legislatures, but not in the House of Commons, these documents are literally placed upon the Table where they lie for a specified period.

In the 18th century a Table was reputedly designed for the House of Commons by Wren. This Table was one of the few objects which escaped destruction in the fire of 1834 and is now preserved in the House of Commons Library.

**TABLE, THE**

*See* SOCIETY OF CLERKS-AT-THE-TABLE IN COMMONWEALTH PARLIAMENTS.

**TANGANYIKA LEGISLATIVE COUNCIL**

Formerly administered by the United Kingdom after the First World War under a League of Nations mandate, the basis of the administration of the territory is now the trusteeship agreement approved by the General Assembly of the United Nations in 1946. The special status of Tanganyika is recognized in United Kingdom legislation and Orders in Council, where it is referred to as the Trust Territory of Tanganyika. The first Legislative Council met in October 1926, since when it has followed the usual pattern of development in colonial legislatures. From the opening of the session in April 1955 it has consisted of equal numbers of African, Asian, and European unofficial members, 10 of each, the 31 other members remaining in a majority and forming the Government side. This consists of 17 official and 14 unofficial members who have accepted the Government Whip, including the 6 unofficial members of the Executive Council. The 30 representative members are nominated by the Governor after consultation with bodies representing the various communities and interests in the Territory. This constitutional development (Tanganyika (Legislative Council) (Amendment) Order in Council, 1955) follows the recommendations of a Constitutional Committee composed of all races on the Legislative Council which was appointed by the Governor in 1949 and made its Report in 1951. Before these changes the Legislative Council was composed of the Governor as President, 15 official members, and 14 nominated unofficial of whom 7 were European, 4 African, and 3 Asian.

The Executive Council now consists of 8 official members and 6 unofficial, of whom 2 are European, 2 Asian, and 2 African. In April 1957, the ministerial system was introduced, and the official members of the Executive Council were re-designated ministers. Six assistant ministers were appointed in May (4 Africans, 1 European, and 1 Asian) from the unofficial members of the Legislative Council, where they speak for the departments assigned to them.

The Council has no chambers of its own but meets in a Hall which is the property of the Municipality of Dar es Salaam. Procedure is based on that of the House of Commons, and although the official language is English, members may speak in Swahili with the Speaker's permission. If they do so, their speeches are interpreted into English at the same time as they are delivered.

**TASMANIAN PARLIAMENT**

Second oldest of the Australian settlements, Tasmania, or Van Diemen's Land as it was first called, celebrated the 150th anniversary

of its foundation in 1955. It started as a dependency of New South Wales, but in 1825 it obtained its independence, and Executive and Legislative Councils were appointed to advise the Lieutenant-Governor. As early as 1826 there was agitation for some form of representative government, and successive years saw petition after petition addressed to the Imperial Government for reform on these lines. In the 1840's there was much indignation over the attempt to make the Colony pay for the maintenance of thousands of convicts sent there from England. The continuance of transportation became the burning question of the day, and it was realized that until it was abolished attempts to achieve self-government were doomed to failure. The Australasian Anti-Transportation League was founded in 1851—the first major move to bring the Australian Colonies together on matters of common interest—and its efforts were crowned with success in 1853. In the meantime, this achievement was foreshadowed by the passing by the British Government in 1850 of an Act for the Better Government of the Australian Colonies, which gave Tasmania a Legislative Council of 24 members, 16 to be elected and 8 nominated by the Crown. With the passing in 1853 of transportation, the Legislative Council submitted a new draft Constitution to the Imperial Government, which received the Royal Assent in 1855. By this Constitution Tasmania was the first of the Australian Colonies to be granted responsible government and a fully-elected bicameral legislature—the Legislative Council and the House of Assembly—and the name of the Colony was changed from Van Diemen's Land to Tasmania as from 1 January 1856. The first Parliament was opened on 2 December of the same year.

Since 1947 the Legislative Council has consisted of 19 members, while since 1906, 30 members are elected to the House of Assembly under a system of proportional representation. Members of the Legislative Council are elected by owners of freeholds of £10 annual value and occupiers of any property of £30. They sit for six years, 3 retiring annually over five years and 4 every sixth year. There is no power to dissolve the Legislative Council. Members of the House of Assembly are elected for five years by adults who have lived in the State for at least six months. By the Constitution Act (No. 2) of 1954 the life of a House of Assembly may be reduced to three years if equal numbers of the two political parties (Labour and Liberal) are elected. When this happens, the party obtaining the lowest aggregate number of votes may nominate one of its members for election as the Speaker. If they do not, the 'majority' party can elect a Speaker from among its own members, and in this case the member chosen must resign his seat and a by-election follows. Voting has been compulsory since 1928 for both Houses, women obtaining the vote in 1903 and eligibility for election to either House in 1921.

The building which has constituted the Houses of Parliament for

## **Taxation**

more than a hundred years is one of the finest of its type remaining in Australia. It was first used by the nominee Legislative Council in 1840, and the Assembly met where the Parliamentary Lounge is now located from 1856 until 1940, when the present modern House of Assembly was occupied. Tasmania has 6 ministers with portfolios and a number without, who are referred to as honorary ministers. The Premier may hold office without a portfolio if he so desires.

## **TAXATION**

*See* BUDGET; FINANCE ACT; PRIVILEGE, FINANCIAL; PROCEDURE, FINANCIAL; WAYS AND MEANS.

## **TELEVISION IN PARLIAMENT**

Canada is the first Commonwealth country to televise parliamentary proceedings. Television was installed at Ottawa on 14 October 1957 to cover part of the ceremony of the Opening of Parliament by the Queen. Senate, but not House of Commons, proceedings have been televised on two previous occasions.

## **TELLERS**

*See* DIVISIONS.

## **TEN MINUTES' RULE**

The term applied to the Standing Order of the House of Commons which provides that Notices of Motions for leave to introduce Bills and for the nomination of Select Committees may be set down for consideration at the commencement of Public Business on Tuesdays and Wednesdays and, if given by a minister, on Mondays and Thursdays also. The mover is permitted to make a brief explanatory statement if he thinks fit, and any member opposing the motion is permitted to make a short speech, after which the Speaker puts the question without further debate. Such speeches, as the term implies, are supposed to be limited to ten minutes.

Private Members wishing to introduce Bills frequently adopt this procedure as a means of securing early publicity for their proposed measures.

## **TEN O'CLOCK RULE**

The term which is applied to the Standing Order of the House of Commons which provides for the automatic interruption of business at 10 p.m. (Standing Order No. 1 (Sittings of the House), paragraph 2). It reads:

At ten of the clock on Mondays, Tuesdays, Wednesdays, and Thursdays, except as hereinafter provided, the proceedings on any business then under



## Three Estates

consideration shall be interrupted; and, if the House be in committee, the chairman shall leave the chair, and report progress and ask leave to sit again; and if a motion has been made for the adjournment of the House, or of the debate, or in committee that the chairman do report progress, or do leave the chair, every such motion shall lapse.

When business is interrupted by the Speaker under the rule, a day is named for the resumption of the interrupted business by the member in charge of it, and the remaining Orders of the Day (q.v.) are called out by the Clerk of the House. Those which are unopposed are dealt with immediately (provided no member wishes to speak upon them); the others are postponed to a later day. The last half-hour of the day from 10 to 10.30 p.m. is then devoted to a debate on the motion, 'That this House do now adjourn', a motion which provides private members with the opportunity of raising any matters to which they particularly wish to draw attention (*see* ADJOURNMENT).

In practice, the House very often continues with the business under discussion after 10 p.m. in spite of the rule. In the first place a Minister of the Crown may move the suspension of the rule at the commencement of the day's Public Business, with or without notice, in order to exempt specified business from its operation. The suspension can apply to the one day's sitting only or to a longer specified period, and the motion must be decided without amendment or debate. Secondly, certain business is automatically exempted from the rule (*see* EXEMPTED BUSINESS).

Prior to 1888 there was no automatic adjournment and the prolonging of a sitting was always considered a legitimate political weapon. It was abused to such an extent by the Irish Nationalist members, who on one famous occasion kept the House sitting continuously for 41½ hours (31 January to 2 February 1881), that it became necessary to introduce some form of restriction. A Twelve o'clock Rule was introduced in 1888 which was altered in 1906 to an Eleven o'clock Rule. The present Ten o'clock Rule replaced the Eleven o'clock Rule in 1946. In each case the adjournment took place half an hour after the moment for the interruption of business.

## TEST ROLL

When a Member of the House of Commons has taken the oath or made affirmation, he subscribes his name at the Table of the House on the Test Roll, a roll of parchment folded in the shape of a book.

## THIRD READING

*See* BILL, PASSAGE OF.

## THREE ESTATES

*See* ESTATES OF THE REALM.

**Timberland, Ebenezer**

**TIMBERLAND, EBENEZER**

*See* CHANDLER, RICHARD.

**TOKEN VOTE**

*See* ESTIMATES.

**TORY PARTY**

*See* CONSERVATIVE PARTY; PARTY SYSTEM.

**TOWN AND COUNTRY PLANNING, MINISTER OF**

A Ministry of Town and Country Planning was established by an Act of 1943, the first Minister being William Shepherd Morrison. Early in 1951 the Minister's title was changed to Minister of Local Government and Planning, and when the Conservative Government was returned later in the year he became Minister of Housing and Local Government (q.v.).

**TRANSPORT, MINISTER OF**

His department was created in Great Britain by the Ministry of Transport Act, 1919, to take over certain functions relating to shipping exercised by the Board of Trade and generally to improve the means of and facilities for land and sea transport. The Bill was introduced as the Ministry of Ways and Communications Bill, which rather cumbrous title was afterwards changed to the Ministry of Transport. The Minister, who is not always in the Cabinet, is answerable to the House for matters relating to railways, canals, roads, bridges, ferries, and docks and harbours, and under the Road and Rail Traffic Act, 1933, and the Road Traffic Acts, he issues regulations concerning licences and compulsory insurance. He took over responsibility for the trunk roads in 1937, he also supervises the local highway authorities, and has certain powers under the Restriction of Ribbon Development Act of 1935. In 1941 F. J. Leathers (afterwards Lord Leathers) was appointed Minister of Shipping and Transport. His title was soon afterwards changed to Minister of War Transport, which office he held until the advent of the Labour Government in 1945. Alfred Barnes was then appointed Minister of War Transport and reverted to the title of Minister of Transport on the dissolution of the Ministry of War Transport in March 1946. The Minister appoints the members of the Transport Commission set up under the Transport Act of 1947, and exercises a general control over its policy. When the Conservative Government took office in 1951 one Minister combined the offices of Minister of Transport and Minister of Civil Aviation. The Minister's salary is normally £5,000 and that of his two Parliamentary Secretaries

£2,500 each. They are all three entitled to an additional £750 if they sit in the House of Commons.

A chronological list of Ministers appears as Appendix 30.

## TRANSCAAL PROVINCIAL COUNCIL.

See SOUTH AFRICAN PROVINCIAL COUNCILS.

## TREASURER OF THE NAVY

See PAYMASTER-GENERAL.

## TREASURY • •

The Treasury is an offshoot of the Exchequer, which was constituted by Henry I at the beginning of the 12th century. The Exchequer was the *Curia Regis* or King's Court sitting for revenue purposes. The method of accounting gave rise to the name 'Exchequer', as the Treasurer and the barons sat round a table with a chequered cloth divided into columns of squares for pounds, shillings, and pence and multiples thereof—an adaptation of the abacus method of reckoning. The Exchequer consisted of two offices, the Upper and the Lower. The Upper Exchequer, which audited and managed the King's accounts, developed into the Court of Exchequer which took over the judicial business (not only revenue cases), while the Lower Exchequer, from which the Treasury emerged, was concerned with the receipt of the royal revenue. The office of Treasurer dates from Norman times, while the Chancellor of the Exchequer (q.v.), who now has general control of the Treasury, was appointed in the reign of Henry II partly to take charge of the Seal of the Exchequer and partly to be a check on the Treasurer. Actually he had certain judicial duties in connexion with the Upper Exchequer, and his more strictly financial functions belonged to the post of Under Treasurer, which is now combined with that of Chancellor of the Exchequer. The office of Treasurer has been in commission since 1714—in other words his duties were taken over by a Board, the Lords Commissioners of H.M. Treasury, consisting of the First Lord of the Treasury (the Prime Minister), the Chancellor of the Exchequer, and 5 Junior Lords who, together with the Parliamentary Secretary, are Government Whips in the House of Commons. Apart from the Parliamentary Secretary, who is Chief Government Whip with a salary of £3,750 a year, the Commissioners have 3 other secretaries, a Financial Secretary, an Economic Secretary, who are ministers, and a Permanent Secretary who is head of the Civil Service. In the early part of the 18th century the Treasury Board met frequently, with the Sovereign in the Chair. After the surrender of the royal revenues by George III in exchange for the Civil List (q.v.), the King ceased to attend. By the beginning of the 19th century meetings became more formal and less frequent as the business became

## Treasury Bench

too much for the Board as such, and meetings were discontinued altogether in 1856, although the Junior Lords still have certain formal functions, such as signing Treasury Warrants.

The functions of the Treasury have been summarized as follows: '(a) Subject to Parliament it is responsible for the imposition and regulation of taxation and the collection of revenue, for which purpose it has the assistance of the Revenue Departments (i.e., 'departments controlled by the Board of Inland Revenue, which collects taxes, the Board of Customs and Excise, which collects indirect taxes, and the Commissioners of Crown Lands (q.v.)); (b) It controls public expenditure through the preparation or supervision of the Estimates (q.v.) for Parliament; (c) It arranges for the provision of the funds required from day to day to meet the necessities of the public service, for which purpose it is entrusted with extensive borrowing powers; (d) It initiates and carries out measures affecting the public debt, currency, and banking; and (e) It prescribes the manner in which the public accounts should be kept.'

Other subordinate departments of the Treasury, in addition to the Revenue Departments, are H.M. Stationery Office, the Civil Service Commissioners, the Treasury Solicitor's Office, and the Parliamentary Counsel. The senior official of the Treasury Solicitor's Office is H.M. Procurator-General and Treasury Solicitor, who in his latter capacity acts as solicitor in litigation to government departments which do not have their own solicitor's department. The Parliamentary Counsel (q.v.) are barristers who draft Government Bills.

(Further reading: Baxter, *The development of the Treasury, 1660-1702, 1957*.)

## TREASURY BENCH

See FRONT BENCHES.

## TREGEAR, A. A.

Clerk-Assistant of the Australian House of Representatives and author of a *Report on Procedure of the House of Commons, 1953*, which compares English with Australian parliamentary procedure.

## TRIERS OF PETITIONS

See PETITIONS.

## TRINIDAD LEGISLATIVE COUNCIL

From 1797, when the Spanish rulers of the island capitulated to the British, Trinidad was administered by a Governor. From 1801 to 1803 he had the assistance of a Council of Advice, and from 1803 to 1831 he was advised by a body described as His Majesty's Council. The legislature of Trinidad and Tobago (joined to Trinidad in 1889) was first

established in 1831 as a Council of Government 'having full authority to make new, and repeal old, laws in furtherance of order and good government'. The same form of legislature continued with slight changes until 1924, when a small number of elected members were introduced, but *ex-officio* and nominated members were in the majority. In 1941 the elected membership of the Legislative Council was made equal to the *ex-officio* and nominated membership, but the Governor had a casting vote. In 1946 the franchise was amended and voting was carried on for the first time on the basis of adult suffrage. In 1950 a new Constitution was introduced, and the Council consisted of 3 *ex-officio*, 5 nominated, and 18 elected members, the Governor being replaced by a Speaker. The latest advance was made in 1956 as the result of the appointment of a Constitutional Reform Committee by the Governor in January 1955 which reported in February 1956. It recommended the creation of a Chief Minister elected by the Legislative Council as Leader of the Government, the replacement of the Financial Secretary by an elected Finance Minister, and an increase in the elected members of both Executive and Legislative Councils. The Speaker was also to be elected instead of nominated. The Legislative Council now has 2 *ex-officio* members, 5 nominated unofficials, and 24 elected members. The Executive Council consists of the Governor as Chairman, 2 *ex-officio* members and 8 elected by the Legislative Council from among its own elected members.

Procedure in Trinidad differs in details from that of the House of Commons—for instance, the Deputy Speaker is elected by the House instead of being nominated by the Government and there is a time limit on speeches of forty-five minutes, although this does not apply to the mover of an original motion. Like several other colonial governments, Trinidad has a Finance Committee of members with the Minister of Finance as Chairman. This committee considers and reports on all proposals, for expenditure not included in the Annual Estimates, including proposals for supplementary and unforeseen expenditure.

The seat of the legislature is Port-of-Spain, and the Council Chamber is situated in the administration building commonly known as the 'Red House'.

Trinidad has accepted the plan for a Federation of the British Caribbean Colonies, and it is intended that elections for the first federal legislature of the West Indies shall be held early in 1958.

(Further reading: Craig, *The Legislative Council of Trinidad and Tobago*, 1952.)

## TWELVE O'CLOCK RULE

See TEN O'CLOCK RULE.

## TYNWALD

See MANX PARLIAMENT.

# U

## UGANDA LEGISLATIVE COUNCIL

The first Legislative Council set up in 1921 comprised 4 official and 2 European unofficial nominated members. An Asian member was appointed in 1926 and Africans first appeared on the Council in 1945. African representation was further increased in 1950 to give them equality in numbers with Asian and European unofficial members combined—i.e., 8 Africans, 4 Asians, and 4 Europeans, plus 16 official members.

The chief features of the constitutional changes which took effect on 1 January 1954 were the introduction of representative members equal in numbers to the Government members and the creation of a 'cross bench', consisting of 11 of the 28 Government members, who were free to vote as they wished except on matters considered by the Government to be issues of confidence. Of the 28 representative members, 3 members from the province and native kingdom of Buganda were nominated directly by the Governor, as the *Lukiko* (native council) refused to elect them. In 1955 the Legislative Council, in which the ministerial system now operates, was reconstituted and the African membership increased to 30 out of a total of 60 members, half of whom are representative members. These include since September 1955 5 Buganda members elected by an electoral college set up as a result of the negotiations on the Buganda Agreement of the same year.

The Executive Council has 15 members including the Governor.

## UNICAMERAL LEGISLATURE

A legislature consisting of one chamber only. It is not considered by most authorities as satisfactory in its operation as a Parliament which has an upper and a lower House (*see* BICAMERAL LEGISLATURE). However, there are many supporters of unicameralism, particularly in Canada and the United States, who contend that a single chamber affords a simpler, more direct, and more expeditious method of legislation; also that it centralizes authority and fixes responsibility, and is therefore more responsive to public opinion. Single-chamber legislatures in the British Commonwealth include those of New Zealand, Queensland, the Canadian Provinces (with the exception of Quebec), the Federation of Rhodesia and Nyasaland, Southern

## University Representation

Rhodesia, and the Provincial Councils of South Africa. The great majority of colonial legislatures are also unicameral.

### UNIONIST PARTY

Formed in 1886 to support the maintenance of the parliamentary union between Great Britain and Ireland, and consequently to oppose Home Rule. It was actually a coalition of Conservatives and Liberal Unionists, whose principles and policy eventually became identified with the Conservative Party (q.v.). The name Unionist survives in the official title of this party—the Conservative and Unionist Party, and Conservative members of the House of Commons are still described as Unionists in Vacher's *Parliamentary Companion* (q.v.).

### UNIVERSAL SUFFRAGE

See SUFFRAGE.

### UNIVERSITY REPRESENTATION

The representation of universities in the House of Commons came to an end with the Parliament of 1945-50. The university constituencies were abolished by implication by the Representation of the People Act, 1948, Section 1 of which states that there shall, for the purpose of parliamentary elections, be the county and borough constituencies, each returning a single member, and no other constituencies. Thus for the first time in nearly 350 years the House of Commons which was constituted after the General Election of 1950 included no members to represent the special interests of universities. However, 4 members representing Queen's University, Belfast, are still returned to the Northern Ireland Parliament (q.v.).

Prior to their abolition there were seven university constituencies returning 12 members between them. Oxford and Cambridge, the ancient universities and the first to be represented in Parliament, each returned 2 members; London University, the University of Wales, and Queen's University, Belfast, each returned 1 member; the Universities of Durham, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Bristol, and Reading were combined to form one constituency returning 2 members; and the Scottish universities, Edinburgh, St. Andrews, Glasgow, and Aberdeen, were combined to form a constituency returning 3 members. The electors who returned the university members were graduates of the universities concerned who had kept their names upon the universities' registers. A university voters' qualification entitled an elector to a university vote in addition to his residential vote. Many university voters had no residential vote, however, for the university electorate was scattered all over the world. At the 1945 election the total university electorate was 217,655, made up as follows: Oxford, 28,921; Cambridge, 42,012; London, 23,948;

## University Representation

Combined English, 42,312; Scottish, 63,581; Wales, 11,847; Queen's, Belfast, 5,134.

University representation had always been a unique feature of the British parliamentary system and had for some years been a controversial issue, staunchly defended by some, roundly condemned by others. The main argument against this form of representation has always been that it confers a privilege upon a special class and is contrary to the democratic principle of 'one man, one vote'. Advocates of its retention have advanced various reasons in its justification: it affords representation of the professional classes who are otherwise under-represented in the Commons; the tendency of the universities to elect representatives who are free of party associations serves to introduce a healthy independent element into a House dominated by the major political parties; the vast responsibilities entrusted to universities require that they send representatives to Westminster, not only to safeguard their interests but to answer for their activities also; and most of the defenders of university representation agree that the fact of its being an ancient and harmless tradition which distinguishes the British Parliament from all other national assemblies is a sufficient reason for its retention. Two compromise suggestions which have been put forward in the past but never adopted are, firstly, that universities should be represented in the House of Lords, and, secondly, that an elector qualified as a university voter should be permitted to choose whether he will cast a university vote or a residential vote at an election. Sir Alan Herbert has argued against the former suggestion on the ground that there are many university issues, such as those involving finance, which could not be debated in the Lords. The alternative suggestion would seem to provide a hopeful compromise should the question ever be reopened.

Lawyers from the Universities of Oxford and Cambridge had been summoned to attend Parliament as early as the reign of Edward I, but university representation is usually regarded as having originated in 1603. In that year James I granted letters patent to both universities for the return of 2 burgesses to Parliament. Oxford and Cambridge were the only universities represented until 1800, when by the Act of Union with Ireland the University of Dublin was granted 1 seat in the House of Commons, and thus became the first university to be enfranchised by statute. The Reform Act, 1832, increased Dublin's representation to 2. The Representation of the People Act, 1867, recognized the claims of London University and granted it representation by 1 member. The Scottish Universities, whose claims had been overlooked at the time of the Reform Bill, were enfranchised in 1868. They were granted 2 seats, 1 for Edinburgh and St. Andrews and 1 for Glasgow and Aberdeen, bringing the total number of university members in the House of Commons to 9. At this time opposition to the principle of



university representation began to be voiced. When London University was enfranchised, John Bright proclaimed his disagreement with the principle, although he did not oppose the enfranchisement of London specifically. In 1885 the Liberal member, James Bryce, moved the abolition of the university constituencies and cited various arguments in support of his views: representation was against the interests of the universities themselves as it introduced the turmoil of politics into what should be an atmosphere of academic calm; university members were elected not by the teaching bodies but by graduates scattered all over the country who lacked a proper understanding of university matters; the privilege of voting was obtained by the payment of fees, thus restricting the franchise to wealthier graduates. However, Bryce's proposal was defeated by a majority of 181. In 1912 a Liberal Government proposed the abolition of the university seats but nothing came of the attempt, the Bill containing the proposal being lost for entirely different reasons.

In 1918, in spite of the feeling which had existed against it, university representation was extended. It had long been held by the Liberals that the university seats were a preserve of the Conservatives, and to remove the grounds for this allegation it was decided to enfranchise the modern universities. Compromise having been reached by both parties at the Speaker's Conference on Electoral Reform in 1916, the Representation of the People Act, 1918, completely overhauled the system of university representation and made provision for several new seats. Oxford, Cambridge, and London retained their representation, and the other English universities (with the exception of Reading which was added in 1928 by a special Act) were formed into a single constituency returning 2 members. The Scottish Universities became a single constituency returning 3 members, and the University of Wales was given 1 seat. Graduation, together with a registration fee not exceeding £1, became the electoral qualification, and women graduates over the age of thirty were given the university vote. (The same Act conferred the general franchise upon women of the same age.) Proportional representation (q.v.) in the form of the single transferable vote was introduced in constituencies returning more than one member. By-elections excepted, a graduate of more than one university could only vote in one university constituency. Under the Redistribution of Seats (Ireland) Act, 1918, the National University of Ireland and Queen's University, Belfast, were each granted representation by 1 member. The former never returned a member to Westminster, however, and Dublin University ceased to be represented in 1922 when the Irish Free State was established.

Abolition was again proposed by a Labour Government in the Representation of the People Bill, 1931, and again on a Labour motion in 1935. The matter was not discussed again until 1944, when another

## University Representation

Speaker's Conference reported in favour of retaining the university seats, with the proviso that every graduate should be automatically registered without the payment of a fee. In this year also the Liberal Party withdrew its traditional opposition to the principle, declaring that university education was no longer the exclusive privilege of the wealthy and that the number of university voters had substantially increased. The party suggested that the university voter, instead of having a second vote, should choose which vote he would exercise. In spite of these developments, the Labour Government which took office in 1945 again proposed abolition in the Representation of the People Bill, 1948, and with its large majority in the Commons the Government won the day. Mr. (as he then was) Winston Churchill moved a reasoned amendment on the third reading of the Bill, and during the course of his speech he gave a pledge to restore the university seats should his party be returned to power. His amendment was defeated by 338 votes to 193. Although the Conservative Party has been in office since 1951, no move has so far been made to restore these constituencies, probably due to the reluctance of the Government to revive such a controversial issue. Abolition was not opposed by the Conservative peers in the House of Lords, for, as the Marquess of Salisbury explained, it would have been improper for the Lords to attempt to interfere with the constitution of the other House. The Representation of the People Act, 1948, received the Royal Assent on 30 July of that year, and an institution which had survived for three and a half centuries ceased to exist, except in Northern Ireland.

The members representing the university constituencies at the time of their abolition were Sir Alan Herbert and Sir Arthur Salter (Oxford), Kenneth Pickthorn and Wilson Harris (Cambridge), Sir Ernest Graham-Little (London), Sir John Anderson, Sir John Graham Kerr, and Walter Elliot (Scottish Universities), Henry Strauss and Kenneth Lindsay (Combined English Universities), William Gruffydd (Wales), and Douglas Savory (Queen's, Belfast).

During the 350 years of their existence, the university constituencies returned many eminent men as their representatives, among them Prime Ministers and Speakers of the House of Commons. Oxford has included Sir Robert Peel and Gladstone among its burgesses, and Sir Francis Bacon, Sir Isaac Newton, William Pitt the younger, and Lord Palmerston all sat for Cambridge. Dublin University has been represented by Lord Carson and the Scottish Universities by Lord Tweedsmuir.

The record of the university members in Parliament is an excellent one. At least two recent measures of great social importance have resulted from the influence of university members; the Matrimonial Causes Act, 1937, was introduced and piloted through the House as a Private Member's Bill by Sir Alan Herbert, and the Family Allowances

## Unopposed Motion

Act, 1945, was largely the achievement of Miss Eleanor Rathbone, who represented the Combined English Universities from 1929 until her death in 1946. The case of Ramsay MacDonald is bound to sound a note of irony, however. Speaking in 1931 of university representation he said: 'If you want materialism at its very worst masquerading under the most sacred guise, you find it in the university for generations. . . . Our view is that, if there be any special institution requiring representation here, it is certainly not the universities.' At the General Election of 1935 MacDonald lost his seat, but he was returned at a by-election during the following year as a Member for the Scottish Universities.

(Further reading: Humberstone, *University representation*, 1951; Rex, *University representation in England, 1604-90*, 1934.)

## UNLEARNED PARLIAMENT

Lord Chancellor Beaufort, in framing the writ of summons to the Parliament of 1426, illegally inserted a prohibition that any man of law should be elected. This Parliament was afterwards branded as the Unlearned Parliament or *Parliamentum indoctum*, probably by the legal profession.

## UNOFFICIAL MEMBER

A member of a colonial legislature who may be elected or nominated by the Governor and who holds no Colonial Office appointment. There are usually more elected unofficials than nominated, but in most cases the Governor has the right to appoint provisional members in place of those temporarily absent, and extraordinary members when the advice of particular persons is required regarding a subject under discussion in the Legislative Council. Unofficial members are very often included in a Colony's Executive Council.

## UNOPPOSED BUSINESS

See OPPOSED AND UNOPPOSED BUSINESS.

## UNOPPOSED MOTION

In some Commonwealth Parliaments, e.g., Canada and South Africa, a member may move an 'unopposed motion', i.e., a motion which the House unanimously allows to be moved without notice. These motions may be debated, but in practice they are confined to matters of a formal character, such as adjournment of the House over a holiday, leave of absence of a member, addition of members to committees, and to other matters connected with the business of the House. If a private member desires to bring forward a matter of public concern without notice he must avail himself of the procedure by which he can propose the adjournment of the House on a 'definite matter of urgent public importance' (q.v.).

## Unopposed Return

### UNOPPOSED RETURN

A motion may be moved in the House, notice having been given, for an unopposed return, i.e., for a paper compiled by a government department for the information of members. Such a motion requires the assent of the minister concerned, and unless this has been signified to the Speaker he will pass over the motion.

### UNOPPOSED RETURNS (ELECTIONS)

Should only one candidate be nominated to stand for election to Parliament in any constituency, he is automatically declared elected without a contest. There is usually a small number of unopposed returns in a General Election. In the United Kingdom General Election of 1955, however, not a single candidate was returned unopposed, the first such occasion since 1832.

### UNPARLIAMENTARY EXPRESSIONS

Expressions which may be ruled out of order in Parliament cover a wide range, and the Speaker or Chairman is often required to make a quick decision as to whether he can allow the Government to be accused of 'arrant political jobbery' or a member to be described as a 'pig'. What is allowed during one period of parliamentary history is not necessarily allowed at another. When Lord Shaftesbury took his seat as Lord Chancellor in 1672 the Duke of York called him a rascal and a villain. (The Chancellor replied that he was obliged to His Royal Highness for not calling him a coward and a papist as well.) On the other hand, Lord Melbourne said he remembered a Speaker ruling out of order a reference to a member as 'a member of the opposition'. In these days, any epithet which reflects upon the character of a member of either House is considered disorderly. The imputation that a minister or member is not telling the truth is never allowed; certainly 'terminological inexactitude' has been passed over, but not such circumlocutions as 'a complete distortion of the facts'. Apart from this ban on alluding to other members as liars or hypocrites, there is some disagreement throughout the Commonwealth as to what constitutes an unparliamentary expression. For instance, the word 'fool' has been allowed in Britain but not in South Africa, whereas the term 'rat' has been passed over in South Africa but not in Britain. Obviously there are too many possibilities for any exact rules to be laid down, and the amount of latitude allowed in offensive language depends entirely on the Chair and the good taste of members. Usually a member will withdraw an unparliamentary expression when directed to do so by the Speaker, but if he refuses to do so he can be suspended for the remainder of the sitting or named to the House for disregarding the authority of the Chair.

## 'Usual Channels'

In some Parliaments it is out of order for one member to accuse another of 'wasting the time of the House'. Although not particularly offensive, the remark is construed as a reflection upon the Chair, it being the sole responsibility of the Chair to decide such matters.

Many an anecdote can be related involving the use of an unparliamentary expression. One of the most famous concerns the occasion when Disraeli was called to order for declaring that half the Cabinet were asses. 'Mr. Speaker, I withdraw,' he apologized, 'half the Cabinet are not asses!'

An interesting list of words and phrases allowed and disallowed in the Parliaments of the Commonwealth is given in each annual issue of *The Table*, the Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments.

## UNPRINTED PAPERS

Reports, accounts, and other papers of institutions, corporations, and government departments which, although presented to Parliament under a statutory obligation, are not printed by either House as parliamentary papers, but may be, and often are, printed by the bodies concerned.

## UNREPORTED PARLIAMENT

The Parliament of 1768-74, so called because of the rigid enforcement of the rule excluding strangers. The House of Lords first applied the rule, excluding even Members of the House of Commons, who immediately retaliated by excluding the peers from their Chamber. This, of course, involved the exclusion of the public. A record of the proceedings of this Parliament does exist, however, in the reports compiled by the Member for Lostwithiel, Sir Henry Cavendish (q.v.).

## UPPER CHAMBER

See BICAMERAL LEGISLATURE.

## 'USUAL CHANNELS'

The Government and Opposition Whips constitute the 'usual channels', through which arrangements are made for facilities to be given for a debate on some particular question that has arisen. In the House of Commons the business is so congested that the Government Chief Whip may ask the Opposition Chief Whip, when something additional to the programme is discussed, for an undertaking that the Opposition will facilitate the completion of other business in order that the necessary time may be found.

# V

## VACHER'S *PARLIAMENTARY COMPANION*

A pocket-sized work of reference which is issued every two months and provides up-to-date lists of members of both Houses of Parliament. Founded in 1831, it contains much useful information, including members' addresses, ranks and titles of peers, constituencies represented by Members of the House of Commons, the composition of the Royal Household, Privy Council, and Cabinet, and lists of diplomatic representatives and the principal officers of both Houses of Parliament and government departments. The annual subscription is 15s. and individual copies can be purchased for 2s. 6d.

## VETO BILL

A Bill to curtail the powers of the House of Lords. Two such Bills were passed by the House of Commons in 1911 and 1949 and became the Parliament Acts, 1911 and 1949 (q.v.).

## VICEROY

After the Indian Mutiny the administration of India was transferred in 1858 from the East India Company to the Crown, and the Governor-General received the new title of Viceroy. The first to bear this was Lord Canning and the last before India received her independence in 1947 was Earl Mountbatten.

## VICTORIA (1819-1901) AND PARLIAMENT

The young Princess Victoria succeeded to the throne on 20 June 1837 and began the longest reign in the history of the British monarchy. The immediate effect of her accession was to separate the Crowns of England and Hanover, succession in the female line being prohibited in Hanover under the Salic Law. The Hanoverian Crown was inherited by the Duke of Cumberland, younger brother of the late King William IV and uncle to Victoria.

The memorable reign of Queen Victoria was of the highest constitutional importance for it realized the modern conception of a constitutional monarchy. Through her strict observance of constitutional forms and conventions Victoria established that relationship between the Crown and its ministers which is to-day recognized as proper and compatible with a democratic form of government. At her

accession Victoria inherited a number of active prerogatives, but by the time her long reign reached its close almost all vestiges of personal authority had passed from the hands of the Sovereign. This was due to a combination of factors—her own meticulous regard for her constitutional position, the growth of radical institutions and the ascendancy of democratic ideals, and the reduction in the personal participation of the Queen in the affairs of government which was the inevitable result of her voluntary seclusion after the death of the Prince Consort and her frequent informal visits overseas. Although a woman of decided views and prejudices she never permitted them to influence her conduct as the Queen. She openly criticized policies she disliked, but never actively opposed ministers of whom she disapproved nor withheld from them the confidence which was their constitutional right. She recognized the supremacy of the popular will when it conflicted with her own inclinations, and although she made no secret of her political predilections she invariably submitted to the predominant feeling. She was, however, by no means disposed to regard the rôle of Sovereign as that of a mere figurehead. To the end of her reign she regarded the prerogative of dissolving Parliament as a personal one, i.e. means of appealing to the country in the event of a failure to resolve a dispute with her ministers. She insisted on her right to be consulted and to express her views on policy and to the last she maintained that no ministerial decision could properly be taken without her prior knowledge. The field of foreign affairs was one within which she regarded the Sovereign as having a particular right to exert her influence, and this view led to serious difficulties between the Queen and one of her most masterful ministers, Lord Palmerston. She reacted strongly when Parliament dissolved the personal control of the Crown over the army, sincerely believing that her ministers had destroyed a prerogative which should have been regarded as inalienable. She spared no effort in studying and attempting to master the details of government and her influence was on many an occasion exerted to the advantage of the nation and the Empire. Possessed of no outstanding intellectual attainment, she had strength of will and character, she was conscientious in her devotion to duty, and often shrewd in her judgment. Whatever her personal limitations she also possessed truly regal qualities, and however much of an autocrat she may have appeared in her private life she was inspired as a ruler by the finest democratic principles. In her husband she had a counsellor on whom she implicitly relied, but after his death she relied increasingly upon her ministers.

On her accession she continued Lord Melbourne (who was her political tutor and closest counsellor during the earliest years of her reign) in office, and at the General Election which followed the dissolution of Parliament in July 1837 the Liberals maintained an

## Victoria (1819–1901) and Parliament

adequate, if not commanding, majority over the Conservatives of 348 to 310. On 20 November the Queen opened her first Parliament. The Civil List was fixed at £385,000 and was never altered during the reign.

In 1839 Victoria came face to face with her first ministerial crisis, and she handled the situation with a rather clumsy obduracy which she was never to repeat. Upon his majority falling to five in a crucial division, Melbourne rightly felt that he had lost the confidence of Parliament and tendered his resignation, advising the Queen to send for Sir Robert Peel. Peel agreed to form a Government on condition that the Queen's ladies, who had been drawn from the leading Whig families, were replaced by ladies with Tory associations. The Queen completely failed to appreciate Peel's motives in stipulating such a condition, and Melbourne's fatherly counsel does not seem to have been in evidence on this occasion. Upon her indignant refusal to comply with what she regarded as an insolent request, Peel declined to take office, and at the Queen's persuasion Melbourne returned to the prime ministership and continued to lead the Government for another two years. The Queen subsequently confessed quite frankly to the error of which she had been guilty, and the practice of choosing the ladies of the household from one political party shortly afterwards ceased.

Victoria's marriage to Prince Albert on 10 February 1840 heralded a new phase of her life, one of unblemished domestic happiness but many public anxieties also. The Prince was a devoted husband and a wise counsellor, but he failed to inspire affection and confidence in the country. Throughout his life he was subjected to ill-informed criticism and attack. Even before his marriage to the Queen she was distressed by an undignified parliamentary wrangle which took place over the proposed status and income of the Prince. Parliament rejected a proposal to accord him precedence next the Queen and above the other members of the Royal Family and carried a reduction in his proposed annuity from £50,000 to £30,000. This so incensed Lord John Russell that he declared somewhat rashly that the action of the House was intended as a mark of disrespect to the Queen. The Prince's influence over the Queen was far from the malevolent one which many people supposed and the welfare of his adopted land was his first concern in his capacity as the Queen's adviser. On 11 September 1846 he was admitted to the Privy Council and he subsequently summarized his functions as 'the husband of the Queen, the tutor of the royal children, the private secretary of the Sovereign and her permanent minister', an accurate description of himself, albeit a dangerous one from the point of view of the constitutional considerations involved.

In June 1841 Melbourne's Government was defeated by 36 votes on a proposal to reduce the sugar duty and a vote of confidence was carried against him by one vote. On 29 June Parliament was dissolved



and the ensuing elections returned a large Conservative majority to the House of Commons. The Queen absented herself from the opening of the new Parliament on 19 August, thus indicating her disapproval of the composition of the new House of Commons, and her speech was read by the Lord Chancellor. On 28 August Melbourne, unable to hold on any longer in the face of a hostile majority, resigned office, and on his advice she invited Sir Robert Peel to form a Government. Both the Queen and her new Prime Minister behaved with extreme tact and the change of government was smoothly effected. Melbourne, whose retirement from office deeply distressed her at first, continued as her personal friend, but she very correctly relied upon her new Prime Minister for all political advice. In fact, to quote Peel himself, he found in the Queen 'a scrupulous and most punctual discharge of every public duty, and an exact understanding of the relation of a constitutional Sovereign to her advisers'.

In 1845 another ministerial crisis occurred. Great misery and distress threatened the working classes as a result of the failure of the potato crop in Ireland and the harvest in Britain, and Peel resolved, in spite of the attitude of his own party, on the repeal of the corn laws as the only remedy to a desperate situation. Although seriously disturbed at the prospect of such a measure the Queen unhesitatingly supported Peel in his resolve. Peel decided that it would be correct to allow the party which had advocated repeal in the past to carry the necessary legislation through Parliament, and he accordingly resigned to enable Lord John Russell to form a Liberal Government. But Russell's attempt proved abortive and Peel returned to office, and it was thus a Conservative Government which passed the Bill for repeal. On the day it became law, however, Peel was defeated on the Irish Coercion Bill, and a new Government was formed by Lord John Russell in July 1846. A rather stupid objection was raised by the protectionists because Prince Albert was present in the House of Commons' gallery to hear Peel explain his repeal proposals. They chose to regard his presence as implying partiality on the part of the Crown and the Prince treated the protest so seriously that he never again attended a debate in the House of Commons.

The return of a Liberal Government had been dreaded by the Queen as it also meant the return of Lord Palmerston to the Foreign Office. No Liberal administration would have considered the exclusion of Palmerston, who would have refused any office other than that of Foreign Secretary, and he had already crossed swords with the Queen during his previous tenure of that office. Her fears proved more than justified. Palmerston was a strong and independent minister, resentful of control, and reluctant to recognize any check upon his power outside Parliament. His encouragement of revolutionary movements in Europe was not at all to the Queen's liking, and she was greatly

## Victoria (1819–1901) and Parliament

incensed by his continual disregard of her constitutional right to be consulted before committing the country to a particular course of action.

The Liberals were secured in office at the General Election of 1847, the new Parliament being composed of 325 Liberals, 226 protectionists, and 105 free traders or Peelites. The prorogation ceremony of 5 September 1848 took place for the first time in the Peers' Chamber of the new Houses of Parliament which had been rebuilt following the fire of 1834.

The breach between the Queen and Palmerston grew ever wider as Russell's ministry wore on and in 1851 it reached a crisis which resulted in Palmerston's dismissal. His persistent failure to comply with her demands provoked the Queen into drawing up the famous memorandum to Lord John Russell in 1850 in which she required '(1) that the Foreign Secretary will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what she has given her royal sanction; (2) having once given her sanction to a measure, that it be not arbitrarily altered or modified by the minister; such an act she must consider as failure in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional right of dismissing that minister.' On being informed of the Queen's displeasure Palmerston blandly expressed his regret and undertook to amend his ways, remained in office, and cheerfully carried on as before. But his action in the following year of committing the country to recognition of Louis Napoleon's *coup d'état* without consulting the Queen or his colleagues was too much for Lord John Russell who, in his exasperation, resolved the problem for the Queen by advising her to dismiss her Foreign Secretary. Palmerston, however, was immensely popular outside the Court and his influence was considerable. Within two months of his own dismissal he had encompassed the defeat of his former colleagues, who resigned on 20 February 1852, on the rejection of the Militia Bill. Lord Derby formed a Conservative Government with Disraeli as Chancellor of the Exchequer, but the General Election of the same year left the Conservatives in a minority and Derby's Government resigned when Disraeli's Budget was rejected. In December a Coalition Government was formed under Lord Aberdeen and Palmerston was back in office, this time as Home Secretary. The way to supreme power was now fully paved for Palmerston. In 1854, largely owing to his predominating influence, the Crimean War broke out, in spite of Lord Aberdeen's attempts to avert it. In January of the following year, as a result of his luke-warm and vacillating conduct of the war, Aberdeen was forced to resign, and the Queen was faced with the distasteful necessity of appointing Palmerston in his stead. The measure of her reluctance to appoint him may be gauged from the fact that she negotiated with both Derby and Russell before

resigning herself to the inevitable, but it is to her great credit that having made the appointment she reposed the utmost confidence in her new Prime Minister. Peace was concluded on 30 March 1856, and the Queen acknowledged Palmerston as the architect of the victory by conferring the Garter upon him.

In 1858 Palmerston was defeated over his French Alliance policy and Lord Derby returned to office. On 2 August, following upon the Indian Mutiny, the administration of India was transferred from the East India Company to the Crown. The proclamation to the Indian people which was drawn up for the occasion is worthy to stand by itself as a tribute to the memory of Queen Victoria, for it is to her benign influence that its language, couched in terms of warm humanity and friendship, is due. The part she played in its composition did much to conciliate Indian feeling. Lord Derby's Government was defeated in April 1859 on its Reform Bill and Parliament was dissolved. The General Election result left the Conservatives in a minority of 43 and much against her will the Queen was compelled to recall Palmerston. The Queen's relations with this administration proved exceptionally difficult, the foreign policy pursued by Palmerston and Lord John Russell (the Foreign Secretary) meeting with her strongest disapproval. In 1861 there arose the affair of the *Trent*, an incident which might have precipitated war between England and America had it not been for the Prince Consort's intervention. America was at that time engaged in its disastrous civil war, and the Palmerston administration made no secret of its sympathies with the southern cause. When a federal warship fired on an English steamer, the *Trent*, which was known to be carrying two southern envoys, Palmerston drafted a strongly worded despatch to Washington which, had it been sent, would probably have involved England in war with America. The Prince Consort counselled moderation and re-drafted the despatch with the result that a crisis was averted. This was the last time that the Prince exerted his influence on behalf of the Government for on 14 December 1861 he died, leaving his widow desolate and inconsolable and on the threshold of an altogether fresh era of her life.

For five years following her husband's death the Queen declined to open Parliament in person and she never again read the Speech from the Throne herself. Her refusal to participate in ceremonial functions often caused her governments grave concern, particularly as a republican movement was developing within radical circles, and her action in withdrawing herself completely from public life lent force to their arguments in favour of the republican form of government. It was not generally appreciated that her bereavement in no way impaired her sense of duty. She did not once neglect affairs of state during her seclusion and she applied herself to the business of government with the same conscientious industry which had always characterized her.

## Victoria (1819–1901) and Parliament

In 1865 Parliament was dissolved and the Liberals slightly increased their majority at the General Election, but before the meeting of the new Parliament Palmerston died. In her tributes to this great statesman the Queen, with characteristic generosity, forgot the rancour of the past and sincerely mourned his passing. She charged Russell, who had become an earl in 1861, with the task of forming the new Government, and in response to his special request she consented to open Parliament on 10 February 1866. She insisted, however, on divesting the ceremony of its traditional colour and her speech was read on her behalf by the Lord Chancellor. On the six subsequent occasions when she opened Parliament the traditional procedure was never restored. In June of the same year Russell's Government was defeated on its Reform Bill, and to the chagrin of the Queen, who took the view that it was the Government's duty to remain in office because of the difficult foreign situation, Russell insisted on resignation. In July Lord Derby formed a new Government with Disraeli once again Chancellor of the Exchequer. The Queen was very anxious to see a settlement of the franchise problem which had overthrown Russell's Government, and in 1867 Disraeli successfully piloted another Reform Bill through Parliament. The Queen held liberal views on the subject of reform. She believed it to be in the interests of the monarchy, Parliament, and the Government to widen the basis of the electorate and was therefore favourably disposed to an extension of the franchise. Although conservative by inclination she was by no means reactionary when judged by the political standards of her time.

In 1868 Derby resigned office owing to ill health and Disraeli became the new Prime Minister. No other minister of the reign ever succeeded in winning the Queen's favour and confidence to the same extent as Disraeli. His tact, wit, charm of manner, and his punctilious observance of constitutional form combined to arouse in the Queen a regard for him which endured until his death. But his first term as her chief minister was not destined to last long. His parliamentary backing was precarious and shortly after accepting office he was defeated on the issue of the disestablishment of the Irish Church, brought forward by Gladstone, by the substantial majority of 65. The idea of disestablishment was personally repugnant to the Queen but she recognized that it was a matter for Parliament to decide. There were three courses open to her in the circumstances. She could accept Disraeli's resignation and thus be compelled to confer office on Gladstone, a course which did not appeal to her as it would inevitably associate the Crown with the cause of disestablishment before the people had an opportunity to pronounce a verdict upon it. She could dissolve Parliament, a course which did not recommend itself because it would force a General Election before the provisions of the 1867 Reform Act could be put into operation. Finally, she could keep Disraeli's Government in

office for another six months and rely upon the Opposition not to force a dissolution within that period. Disraeli left it to the Queen to decide which of the three alternatives she would select, and on her own responsibility she chose the final one. The Prime Minister, who explained to the House of Commons the substance of his negotiations with the Queen, was assailed by the Opposition on the ground that he had failed to act in the proper capacity of a constitutional adviser by offering the Queen a choice of courses of action instead of definite advice. In spite of the objections the incident disposed of the illusion that the Sovereign was a mere figurehead and, if anything, added to the Queen's prestige. She very soon demonstrated her recognition of the limits upon her personal power when she assented to a petition from a strong majority of the Commons on the question of Irish Church patronage.

Disraeli was crushingly defeated in the General Election of 1868, the Liberals winning a majority of 128. He set a precedent by tendering his resignation to the Queen before the meeting of the new Parliament, and Gladstone began his first term of office as her Prime Minister. His Government embarked upon a lengthy programme of legislative reforms, of a nature largely distasteful to the Queen, but which she very correctly never resisted. Although Gladstone's policies were diametrically opposed to her own opinions she never permitted her personal views to obstruct the machinery of government. In fact, on the controversial Irish Church Bill it was actually her mediation which carried it through the House of Lords in the face of a threatened conflict between the two Houses. In 1870 the Government began to reorganize the administration of the army in a manner particularly offensive to the Queen. She had always claimed that the direct control of the army by the Crown through the Commander-in-Chief was an inalienable prerogative of the Crown, but one of the new proposals was to subordinate the office of Commander-in-Chief to that of the Secretary-of-State for War, thus bringing the army under direct ministerial control. In June she signed an Order-in-Council giving effect to this proposal. When the Bill embodying the army reforms reached the House of Lords it was thrown out, and the Queen was again faced with a situation she dreaded, a conflict between Lords and Commons. The Government thereupon proposed to the Queen an ingenious device for circumventing the upper House. The practice of purchasing commissions, which the Bill had been designed to abolish, had been established by Royal Warrant and not by statute, and it was proposed to the Queen that she could legally accomplish the Government's objective by the employment of the prerogative on ministerial advice. The usual legislative process, which required the agreement of both Houses, could thus be avoided. Although the Queen regarded this procedure as a sordid subterfuge she felt obliged

## Victoria (1819–1901) and Parliament

to comply with it, in spite of her fear of alienating the peers from their attachment to the monarchy.

Republican sentiment was at this time gaining currency in the country and the formation of a republic in France had encouraged the feeling. The main plank used by the republicans in their attack upon the monarchy was the expense of maintaining a royal establishment, and rumours concerning the supposedly fabulous wealth of the Queen became widespread. The allegations were taken up in the House of Commons, and in March 1872 Sir Charles Dilke moved for an inquiry into the royal expenditure. The debate sparked off a disorderly scene in the House, but it was the republicans who were embarrassed in the outcome. Dilke and his seconder mishandled their case by an avowal of their republican convictions and the motion was overwhelmingly defeated, only two other members supporting them in the Division Lobby.

In March 1873 Gladstone was defeated on his Irish University Bill and he immediately resigned. Disraeli, however, declined to form a Government then and there, preferring to wait for the Conservative victory at the polls which he confidently expected. Gladstone was reluctantly compelled to return temporarily to office, complaining that Disraeli's refusal to accept responsibility was unconstitutional in that he had engineered the Government's defeat. The General Election of 1874 resulted in an overwhelming Conservative victory and to the Queen's delight she was enabled to recall Disraeli. Disraeli's policies were in accord with the Queen's own views and there followed a period of the most cordial relations between the Sovereign and her ministers. In actual fact Disraeli was no more influenced by the Queen than any of his predecessors. His personal popularity with her merely enabled him to reconcile her to a distasteful course far more successfully than a less favoured minister. To quote his own remark: 'Gladstone treats the Queen like a public department; I treat her like a woman.'

In the session of 1875 the House of Commons altered its procedure relating to the exclusion of strangers (q.v.). Previously, the objection of only one member was required to oblige the Speaker to order the galleries to be cleared, but under the revised rule a vote of the majority of the House became necessary.

In 1876 the Queen was highly gratified when Disraeli was instrumental in having the title of Empress of India conferred on her. In 1877 Disraeli accepted a peerage and continued to lead the Government from the House of Lords as the Earl of Beaconsfield. During the latter years of this decade the Government became involved in a series of crises in Europe and elsewhere, and Disraeli's policies were vehemently attacked by Gladstone and his followers. The Queen backed her Government with an undeviating faith, but with public opinion Disraeli

had lost a great deal of ground. Parliament was dissolved on 24 March 1880, and at the General Election Disraeli was decisively rejected by the country by a majority of 166. Much against her will the Queen invited Gladstone to form his second Government, and while observing a strict constitutional correctness, as always, in her dealings with her ministers, she found herself invariably displeased with their major policies. One of the members elected to the Parliament of 1880 was Charles Bradlaugh (q.v.) who, as an atheist, claimed his right to affirm his allegiance to the Crown instead of taking the oath as was customary. The stand which he took upon his principles involved him in a long struggle with the House of Commons during which he was thrice re-elected for Northampton but was not permitted to take his seat until 1886.

As Gladstone's second administration continued the Queen grew ever more disquieted with its policies. She took great exception to further army reforms which it effected, deplored the Transvaal peace negotiations which it insisted on pressing to a conclusion, and held it directly responsible for the death of General Gordon at Khartoum, a tragedy resulting from what she regarded as a disastrous Egyptian policy. One measure which did command her support, however, was the Reform Bill of 1884, which proposed the extension of the franchise to the working classes. The Bill was rejected by the House of Lords, and when the Government announced its intention of reintroducing the Bill in the House of Commons a serious conflict between the two Houses appeared imminent. Not for the first time the Queen brought her influence to bear upon the upper House and the passage of the Bill was facilitated, although by way of compromise it was coupled with a second Bill providing for the redistribution of constituencies.

Gladstone's Government, which had forfeited a great deal of respect owing to its Egyptian policy, was defeated on its 1885 Budget, and Lord Salisbury, who had succeeded Disraeli as leader of the Conservative Party on the latter's death in 1881, was invited in the June to form a Government. Salisbury's first ministry was very short-lived. The General Election of November returned only 250 Conservatives against 334 Liberals and 86 Irish Nationalists. Five days after the opening of the new Parliament on 21 January 1886—the last Parliament which the Queen opened in person—Salisbury's Government was defeated and Gladstone returned to power. The burning controversy of the session which followed was the issue of Irish home rule. Gladstone had been newly converted to this policy, which, needless to say, was vigorously opposed by the Queen. A violent and angry session ended in the rejection of Gladstone's Home Rule Bill and the resignation of his Government. Parliament was dissolved and a second General Election was held within nine months, resulting in a heavy defeat for

## Victoria (1819–1901) and Parliament

the home rulers. Lord Salisbury returned to office with a stable majority and harmonious relations between the Queen and her Government were restored:

On 20 June 1886 Queen Victoria began the fiftieth year of her reign and the year which followed witnessed her golden jubilee celebrations. They were attended by many representatives from India and the Colonies and it was this glittering occasion which firmly established the Queen in her great rôle as Mother of the Empire and the symbol of imperial unity. The growth of imperial sentiment brought about a corresponding decline in republican feeling and the Queen's reappearance at public functions encouraged the mounting enthusiasm. There were still active, however, certain elements which were hostile to the Crown, and in 1889 the Queen encountered fierce opposition when she requested Parliament to make financial provision for her grandchildren. The Government proposed the appointment of a committee to examine the Queen's request, but an amendment by Bradlaugh to refer the entire matter of Crown revenues to the committee was supported by 125 votes and defeated by only 63. It was Gladstone's intervention in the debate which secured a satisfactory settlement of the question and probably spared the Queen a particularly unpleasant form of embarrassment.

The General Election of 1892 resulted in victory for the home rulers, who secured a majority of 355 to 315. Gladstone returned to lead his fourth and final ministry at the age of 84. But although his Home Rule Bill was carried by the Commons it was, much to the Queen's relief, decisively rejected by the Lords, and the issue did not again arise to vex her during the remainder of her reign. On 2 March 1894 Gladstone, aged and ailing, finally retired. At his death four years later the Queen paid tribute to his character and intellect but refrained from any other expressions of admiration. On her own initiative she requested the Earl of Rosebery to succeed Gladstone, but his administration lasted only a short time. A coalition of Conservatives and Liberal Unionists under Lord Salisbury was returned in strength at the General Election of 1895 and this administration remained in office until the Queen's death.

On 23 September 1896 the Queen arrived at the day on which she had reigned longer than any other English Sovereign, and in 1897 her diamond jubilee celebrations re-kindled the patriotic fervour which her golden jubilee had inspired ten years before. An imperial theme was again chosen for the occasion and representatives from all corners of the Empire participated in the splendid public ceremonies. At a special reception all the colonial Prime Ministers were sworn members of the Privy Council. Altogether two weeks were devoted to the celebration of this great imperial occasion. Thus emphasized, the Queen's personification of the ideal of imperial family unity emerged as the outstanding



## Victoria Tower, Palace of Westminster

characteristic of a momentous reign. She lived to see the formation of the Australian federation which was inaugurated at Sydney on 1 January 1901, and when she died she was the head of the greatest Empire the world had ever seen. In spite of a change in the concept of imperial unity, the ideal has proved to be one of the enduring achievements of the reign.

The General Election of 1900 returned the Unionists to power and Victoria's 15th and last Parliament was opened in December of that year. On 22 January 1901 the Queen died. Her son, the Prince of Wales, was proclaimed King Edward VII two days afterwards. With the passing of Victoria there passed also an era of history. She was mourned not only by a nation but by an Empire, an Empire which has inherited from the mother country the institutions of Parliament and the constitutional monarchy in the form we know them to-day.

### VICTORIA PARLIAMENT

The Australian State of Victoria achieved responsible government in 1856 and the first Parliament was opened on 21 November of that year.

There are two Houses in the Parliament of Victoria, the Legislative Assembly with 66 members and the Legislative Council with 34 members. Members of both Houses are elected on an adult franchise, women receiving the vote in 1908. Compulsory voting (q.v.) was instituted for the Legislative Assembly in 1926 and for the Legislative Council in 1935. Members of the lower House, the Legislative Assembly, are elected for the duration of Parliament, which is limited to three years. Members of the Legislative Council hold their seats for six years, but 1 of the 2 members for each of the 17 provinces retires every third year.

Parliament House in Melbourne was planned on a very lavish scale. Building began in 1856, and the colonnade and steps which are the outstanding feature of the west façade were not completed until 1892. The magnificent library of 120,000 volumes was opened in 1860. The Commonwealth Parliament occupied Victoria's Parliament House from 1901 to 1927, when it moved to Canberra. During this period the Victorian Parliament met in the Western Annexe of the Exhibition Building.

### VICTORIA TOWER, PALACE OF WESTMINSTER

Built in 1860, the main structure is 337 feet high, 360 feet to the tops of the turrets, 391 feet to the top of the flagstaff, and 75 feet square. Original copies of Acts of Parliament, the Rolls of Parliament, and the ballot papers used in the constituencies of England and Wales are kept here. The ballot papers are only kept for one year after every General Election. In 1939 the earlier years of the Unprinted Papers of

## VIREMENT

the House of Commons, dating from the 1840's, were removed to the Victoria Tower.

The Union Jack is flown from the Tower from sunrise to sunset when Parliament is sitting, and on special occasions such as royal birthdays, and the Royal Standard when the Sovereign arrives to open Parliament in person. In 1917 the 'Stars and Stripes' was flown side by side with the Union Jack to celebrate the entry of the United States into the War.

## VIREMENT

This is a French word meaning a transfer, and is used to describe the method whereby funds appropriated to a certain purpose detailed in the Estimates (q.v.) may be transferred and applied to another object. The service departments are permitted to make use of the virement procedure because of the unpredictable nature of their expenditure. Civil departments may transfer funds within, but not between, votes.

## VIRGIN ISLANDS

See BRITISH VIRGIN ISLANDS LEGISLATIVE COUNCIL.

## VISCOUNT

The grade above a baron in the British peerage. A viscount or *vice-comes* was originally a sheriff of a county, and the title was not a noble one until Henry VI created John, Baron Beaumont, Viscount Beaumont by letters patent dated 12 February 1440. The honour was at first, as in this instance, conferred as an advancement to barons, but afterwards was frequently created with the barony; in modern times it is often conferred without the barony. The style of a viscount is 'Right Honourable', and he is officially addressed by the Sovereign as 'Our right trusty and well-beloved Cousin'. The mantle of a viscount is the same as a baron's, except that two rows and a half of ermine are worn on the cape. The coronet of a viscount is a circle of silver gilt, surmounted by sixteen silver balls. There are at present (1957) 109 viscounts.

## VOTE, THE

In the House of Commons the 'Vote' is a collection of papers, consisting of a number of different serial issues, which are issued to members daily when the House is sitting. They are arranged in the following order: Votes and Proceedings, Private Business, Notice Paper of Public Business (the agenda for the day, including Questions, Orders of the Day, and Notices of Motion), Supplement to the Votes (amendments to Public Bills to be taken in Committee of the Whole House and in Standing Committees), Minutes of Proceedings on the previous day of Standing Committees, and finally Division Lists.

**VOTE (DIVISIONS)***See* DIVISIONS.**VOTE (ESTIMATES)***See* ESTIMATES.**VOTE (FRANCHISE)***See* ELECTIONS; FRANCHISE; REPRESENTATION.**VOTE OF CENSURE**

If the Opposition wishes to put down a motion censuring the Government's policy in some direction the Government has to find time for its discussion. Such a motion is usually moved by the Leader of the Opposition. A whole day's sitting or more is occupied with the 'full-dress' debate which follows and nowadays if the motion is carried the fall of the Government invariably results.

A motion expressing no confidence in the Government is also spoken of as a vote of censure—e.g., Sir John Wardlaw-Milne's motion in July 1942, in which he used the words 'That this House . . . has no confidence in the central direction of the war'.

**VOTE OF CONFIDENCE**

A Prime Minister has the right to ask for a Vote of Confidence from the House in difficult times and the crises of war. Sir Winston Churchill described the procedure as 'thoroughly normal, constitutional and democratic' when he asked for such a vote in January 1942. On that occasion it was moved by Mr. Attlee with the words 'That this House has confidence in His Majesty's Government and will aid it to the utmost in the vigorous prosecution of the War'. After a three-day debate the House divided, and the motion was carried by 464 votes to 1. Mr. Maxton voted against it, and two other members of the I.L.P. acted as tellers for the 'noes'.

A motion expressing no confidence in the Government is dealt with under VOTE OF CENSURE.

**VOTE OFFICE**

The office in the House of Commons which is responsible for the provision and distribution of parliamentary papers; nearly a million of these are handled each session. The office is headed by a Principal Clerk who controls a staff consisting of an Assistant Clerk, Chief Office Clerk, and 6 Office Clerks, and part-time porters are appointed for the delivery of papers to addresses in the London area.

There is a similar office in the House of Lords called the Printed Paper Office.

## Votes and Proceedings

### VOTES AND PROCEEDINGS

The title given to a paper issued daily in the form of minutes which records what was done in the House on the previous day, but not what was said. The term 'votes' is used in the sense of decisions of the House. In the House of Commons it is published on the authority of a Sessional Order passed regularly on the first day of the session since 1680, and is there prepared by the Journal Office from the minute books of the Clerks-at-the-Table. Prior to 1817 the Votes were as copious as the Journals, but since then, on the recommendation of a committee appointed in that year, the paper has been issued in a more abbreviated form. Questions are not recorded as they involve no decision of the House, but some votes are recorded which are not now actually taken—e.g., orders upon the presentation of public petitions—because such orders have the same force as those which the House is asked to decide. Also listed at the beginning of Votes and Proceedings are the documents presented that day to the House, such as Command Papers, Act Papers, and House of Commons Papers (q.v.).

*See also* VOTE, THE.

### VOTES (DECISIONS OF THE HOUSE)

*See* VOTES AND PROCEEDINGS.

### VOTES OF CREDIT

*See* ESTIMATES; PROCEDURE, FINANCIAL.

### VOTES ON ACCOUNT

*See* ESTIMATES; PROCEDURE, FINANCIAL.

# W

## WAR MINISTER

There was a Secretary-at-War in England as early as 1642, but it was not until 1794 that the office of Secretary of State for War was created and first held by Henry Dundas, Viscount Melville. The holder of the office was also responsible for Colonial Affairs until 1854, when it was combined with that of Secretary-at-War until 1863. In that year the office of Secretary-at-War was abolished. Until 1904, when the administration was reorganized, the Secretary of State shared responsibility for the Army with the Commander-in-Chief and various other authorities. In that year the office of Commander-in-Chief was abolished, and the Secretary of State for War took over the whole responsibility, acting with the advice of the Army Council, which was constituted by letters patent. The War Minister, as the Secretary of State for War is often called, is President of the Army Council, which includes the Parliamentary Under-Secretary of State and Financial Secretary of the War Office and the heads of its various departments.

The War Minister's salary is £5,000 per annum. He is entitled to a further £750 if he sits in the House of Commons. Since the creation of a Ministry of Defence it has not been customary to include the War Minister in the Cabinet (q.v.), the view of the armed services being represented in the Cabinet by the Defence Minister (q.v.). A chronological list of the holders of the office appears as Appendix 31.

## WAR TRANSPORT, MINISTER OF

*See* TRANSPORT, MINISTER OF.

## WAYS AND MEANS

The provision of revenue to meet national expenditure. The nation's revenue is raised by methods known collectively as 'charges upon the people', taxation being the principal means. All such matters are required to originate in a Committee of the Whole House (q.v.) known as the Committee of Ways and Means. They are initiated in the form of resolutions moved by a Minister of the Crown, which must be agreed to both in Committee of Ways and Means and on report in the House before legislation can be introduced to give them statutory authority. All 'charges upon the people' which require to be initiated by Ways and Means resolutions are general charges imposed for

## Ways and Means

general purposes, and the term embraces the following matters: all taxation, including the imposition of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, and an extension of the incidence of a tax so as to include persons not already payers; the repeal or reduction of existing alleviations of taxation, such as an exemption; the delegation of taxing powers within the United Kingdom; the grant of borrowing powers to the Crown; and the payment into the Exchequer of receipts which do not arise from taxation.

With the exception of the Budget (q.v.) all Ways and Means resolutions are considered separately and the rule of relevance applies to all debate and amendments. No amendment may seek to increase the charge authorized by the resolution. The most important business of the Committee of Ways and Means is the consideration of the annual financial statement or Budget, and on this occasion a special procedure is observed which may best be explained by the following quotation from Erskine May:

The resolutions which form the usual basis of the Chancellor's statement are the resolutions for the continuance, during the financial year, of the income tax, and the imposition of any new duties or alteration of permanent duties necessary for the purpose of adjusting the revenue to the expenditure of the year. . . . Their purpose is to provide the balance of revenue which, when added to the revenue derived from permanent taxes, will suffice to cover the estimated expenditure of the year. Hence the committee must be at liberty to consider the resolutions, proposed by the Chancellor of the Exchequer, as forming together with existing taxation a complete scheme of revenue to be debated as a whole; and must also be at liberty to consider expenditure in its relation to the burden of providing the necessary revenue. A general debate, which is on the broadest lines, is accordingly permitted, comprising all these resolutions and any financial resolutions necessary to the Budget; to allow of this, it is now provided by Standing Order No. 86 (passed on 4 November 1947) that the question on all resolutions except the last are put immediately after the financial statement, and debate is carried on on the last resolution.

There is therefore no opportunity for debating the individual Budget resolutions and consequently no opportunity of moving amendments to them. The only resolution which is formally before the committee for the purpose of debate is the last one (usually that which proposes the amendment of the fiscal law) which has come to be accepted as the peg for a wide and discursive debate lasting several days, the normal rule of relevance being suspended for the purpose. The Budget proposals are eventually given statutory authority by the Finance Act (q.v.) which is introduced as a Bill once all the resolutions have been agreed to. A resolution which provides for the increase or renewal of an existing tax usually includes a declaration to give it

statutory effect under the Provisional Collection of Taxes Act, 1913. In such a case the resolution comes into force without legislative sanction as soon as it is agreed to in Committee of Ways and Means or upon a date specified in the resolution itself. It ceases to have effect if it is not agreed to in the House within the next ten days, if the Finance Bill has not passed its second reading within the next twenty days, or if the Finance Bill has not received the Royal Assent (q.v.) within four months after the date the resolution came into force. It would also cease to have effect in the event of a dissolution or prorogation of Parliament. The provisions of the Provisional Collection of Taxes Act, 1913, cannot apply to a new tax which was not in force during the previous financial year.

The Committee of Ways and Means has two separate functions: in its taxing capacity it considers ways and means of replenishing the Exchequer, and in its spending capacity it authorizes the issue from the Consolidated Fund (q.v.) of the sums of money voted in Committee of Supply for the purposes of expenditure. Like the Committee of Supply, the Committee of Ways and Means acquired its separate identity in 1641. It originated for the purpose of devising new methods of raising money, and an early mention of such a committee appears in the Journal of the House of Commons (q.v.) for 1 December 1641, in the following terms: 'The House resolved itself into a Committee to consider of some way of raising Monies.' At this time the Committee of Supply had also a taxing function, for in the absence of a common pool of revenue the basis of all expenditure was the assigning of specific taxes to particular purposes (*see* SUPPLY). Early in the 18th century the first step towards pooling the nation's revenues was taken with the establishment of the Aggregate Fund, and during the course of this century the authorization of expenditure became clearly distinguished from the imposition of taxation, the former becoming the particular function of the Committee of Supply and the latter that of the Committee of Ways and Means. On the creation in 1786 of the Consolidated Fund, which eventually became the great financial pool of the nation, the Committee of Ways and Means became responsible for authorizing the issue of the sums of money required to meet the grants voted in Committee of Supply, and thus acquired its spending function.

*See also* PROCEDURE, FINANCIAL.

## WAYS AND MEANS, CHAIRMAN OF

*See* CHAIRMAN OF WAYS AND MEANS.

## WAYS AND MEANS, COMMITTEE OF

*See* BUDGET; COMMITTEE OF THE WHOLE HOUSE; PROCEDURE, FINANCIAL; WAYS AND MEANS.

## Weighted Vote

### WEIGHTED VOTE

*See PLURAL VOTING.*

### WELSH AFFAIRS, MINISTER FOR

Created in 1951, this office was combined with that of the Home Secretary (q.v.) until 1957. The function of the Minister is to inform himself of the Welsh aspect of business by visiting the Principality and by discussion with representatives of Welsh life and to speak in Cabinet on behalf of the special interests and aspirations of Wales. He has no executive powers and therefore has no direct responsibility to Parliament for health, agriculture, or education in Wales, or for the administration in Wales of any services for which other ministers are departmentally responsible. There is at present (1957) no Parliamentary Secretary for Welsh affairs. The first Minister was Sir David Maxwell Fyfe (afterwards Lord Kilmuir) and he was succeeded in 1954 by Major Gwilym Lloyd George. In 1957 Henry Brooke was appointed Minister for Welsh Affairs in addition to Minister of Housing and Local Government.

### WESTERN AUSTRALIAN PARLIAMENT

A bicameral State legislature, the Legislative Council or upper House consisting of 30 members, elected for six years on a property franchise, and the Legislative Assembly, or lower House, consisting of 50 members elected for three years on an adult franchise. Although a new Legislative Assembly is elected every three years, the Legislative Council cannot be dissolved and sits continuously. The State of Western Australia is divided into ten provinces, each province returning 3 members to the Legislative Council, one of whom retires every two years. There are therefore biennial elections for the Legislative Council to elect 1 member for each province. There is a Cabinet of 10 members, 8 from the Assembly and 2 from the Council.

The original Legislative Council nominated by the Governor first sat in 1832, and partially representative government was instituted in 1870. After many difficulties and considerable opposition in the United Kingdom had been overcome, the Colony was granted a Constitution in 1890 and achieved responsible government. At first the Legislative Council was nominated by the Governor, but it was provided that as soon as the population figure reached 60,000 it should be elective. This did not take long, and by 1893 both Houses of Western Australia's Parliament were fully elected. Procedure is based on that of the House of Commons, but, like some other Commonwealth Parliaments, Bills are considered in Committee of the Whole House and not by Standing Committees.



Western Australia has an impressive although still uncompleted Parliament House which was opened in 1904. Like most upper Houses, the furnishings of the Legislative Council Chamber are in red, following the House of Lords tradition, but the Legislative Assembly has adopted blue instead of the more usual green.

## WEST INDIES FEDERAL PARLIAMENT

Following the suggestion made in 1945 by the Colonial Secretary that the question of federation should be discussed by the West Indian legislatures, a conference was held in 1947 in Jamaica. With the exception of British Guiana all the delegates accepted the principle of a federation, and recommended the appointment of a committee to frame a Constitution for consideration by the West Indies and the British Government. The Standing Closer Association Committee (S.C.A.C.) was appointed the following year, and its report was published in 1950. The principal recommendations were a bicameral legislature for the proposed federation with a wholly elected lower and nominated upper House, and an executive consisting of a Governor-General assisted by a Council of State of 14 members, one of whom should be the Prime Minister. This Council would be the principal instrument of federal policy. In 1953 the Colonial Secretary summoned a conference in London which was attended by delegates from all the islands which had accepted the S.C.A.C. report—Antigua, Barbados, Dominica, Grenada, Jamaica, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent, and Trinidad and Tobago. Observers attended from British Guiana and British Honduras. The report of the conference (Cmd. 8837) made certain modifications to the S.C.A.C. proposals, and these were incorporated in 'The Plan for a British Caribbean Federation' (Cmd. 8895). This envisages a Senate consisting of 19 Senators appointed by the Governor-General, and a House of Representatives with 17 members elected for Jamaica, 10 for Trinidad, 5 for Barbados, 2 each for Antigua, St. Kitts, Grenada, St. Vincent, St. Lucia, and Dominica, and 1 for Montserrat—a total of 45. There will also be a Council of State consisting of the Prime Minister and 10 other ministers. The Governor-General will preside and the Council will be the principal instrument of policy in the federation. The Governor-General may nominate 3 persons in the public service to attend meetings of the Legislative Council.

In February 1955 the Colonial Secretary announced that the plan for federation had been adopted by the legislatures concerned, and a further conference was held in London in February 1956 at which the delegates announced that 'It is the unanimous agreement of those of us who have the honour to represent the British Caribbean Colonies on this historic occasion that our countries should be bound together in federation'. The conference decided that a clause should be included

## Westminster Hall

in the Constitution to provide for the entry of other territories to the Federation. This will enable British Guiana and British Honduras to accede at a later date. Legislative effect was given to the decisions of the conference by the British Caribbean Federation Act 1956. Federal elections will be held on 25 March 1958 and Parliament will be opened by H.R.H. Princess Margaret on 22 April.

The United Kingdom is now empowered to legislate for the Federation by Orders in Council in respect of defence, external relations, and the maintenance of its financial stability.

From the federation of these 'scattered islands stretched over an area a thousand miles long' will emerge a new nation, ultimately to become a self-governing Dominion within the Commonwealth.

## WESTMINSTER HALL

The only remaining portion of the ancient Palace of Westminster (q.v.). The original hall was completed in 1099 and it is recorded that William Rufus held his first court there.

Westminster Hall is 238 feet long, 67½ feet broad, and 90 feet high. The famous hammer-beam roof was built by Richard II in 1394. It has suffered the ravages of the death-watch beetle and very extensive restorations were concluded in 1922. The beautiful roof was severely damaged by incendiary bombs in May 1941, and again in 1944, and the repairs were not completed until 1950. The oak for this restoration came from Lord Courthope's Wadhurst estate which supplied the original timber in the reign of Richard II.

Beginning as the Great Hall of the Royal Palace, Westminster Hall has been used for many purposes. Simon de Montfort's Parliament and the Model Parliament both met there, and from the middle of the 13th century until 1882 the Courts of Law were held in or adjoining it. It was a popular meeting-place and shopping market from the time of Edward III until the beginning of the 19th century. It has been the scene of many famous state trials, including those of Sir William Wallace (1305), the Duke of Buckingham (1520), the Earl of Essex (1601), the Gunpowder Plot conspirators (1606), Charles I (1649), and Warren Hastings, whose trial lasted from 1788 to 1795. It has seen many Coronation feasts (George IV held the last one) and state ceremonies, and in modern times it has been used for the lying-in-state of Kings and statesmen. Gladstone was the first to be so honoured in 1898.

The Hall has indeed witnessed many of the dramas and tragedies of British history, and some of these are recalled to the visitor by means of brass plaques set into the pavement on the spot where they took place, or as they could be discovered.

H. St. G. Saunders' *Westminster Hall* (published 1951) is recommended should further information be required.

## WHARNCLIFFE ORDERS

Under what are known as the 'Wharncliffe' Standing Orders, certain Private Bills (p.v.) conferring particular powers upon companies have to be referred to the examiners in both the House of Commons and the House of Lords for proof that they have been duly approved of by the proprietors or members of the companies concerned. These orders (Standing Orders relating to Private Business Nos. 62-7) are named after Lord Wharncliffe, who was largely responsible for the original making of an order of this nature by the House of Lords.

## WHIG PARTY

See LIBERAL PARTY; PARTY SYSTEM.

## WHIP (DOCUMENTARY)

The Government and Opposition Chief Whips send out a document each week to their members which is known as the whip. It details the business for each day of the following week and may indicate who the chief speakers will be. Each item of business is underlined according to its importance—the present practice is to underline it once if no division is expected, twice if the business is fairly important and a division may take place, and a three-line whip means an important debate and a division which every member is expected to attend unless prevented by illness. The receipt of the weekly whip by a member is a recognition that he or she is a member of the party which issues it, so if it is withdrawn and no longer sent to a member it means that he is expelled or liable to expulsion from the party.

According to Porritt (*The Unreformed House of Commons*) whips were in vogue as long ago as 1621, when notices underlined six times were sent to the King's friends. Until fairly recently a whip was only issued when critical divisions on great party issues were expected, and the number of underlinings considered necessary has varied. Five-line whips formerly denoted the highest point of urgency, and one of these was sent out to Conservative members on the occasion of the second reading of Gladstone's first Home Rule Bill in 1886. After that four lines were considered sufficient to ensure a member's presence, and then Sir Wilfrid Lawson explained pithily that a one-line whip meant 'you ought to attend'; a two-line whip 'you should attend'; a three-line whip 'you must attend'; and a four-line whip 'stay away at your peril'.

## WHIPS

The word 'whip' (an abbreviation of 'whipper-in') in its parliamentary sense was borrowed in the 18th century from the fox-hunting vocabulary, where a whipper-in kept the hounds from straying from the pack. The Government and Opposition Whips have a similar task

## White Paper

in regard to Members of Parliament—to round them up to support their party in divisions and to see that they are present on all other necessary occasions. But this is by no means their only function—the efficient and smooth running of the parliamentary machine depends largely on the Whips. Certain duties are common to Whips, (who are all Members of Parliament) of all parties, such as supplying their members with information on forthcoming business (*see WHIP (DOCUMENTARY)*), securing their attendance, arranging pairing (q.v.), and supplying lists of members to serve on Standing and Select Committees. The most important duties devolve, however, on the Government Chief Whip, whose official title is Parliamentary Secretary to the Treasury. Disraeli said his office required ‘consummate knowledge of human nature, the most amiable flexibility, and complete self-control’. He is sometimes referred to as the Patronage Secretary, which title comes from the days when the Chief Whip exercised a material influence on numerous Government appointments. His main work is the organization of Government business in consultation with the Opposition Chief Whip. The Government Chief Whip has a small staff of Civil Servants headed by the Private Secretary, and the Opposition Chief Whip discharges equally responsible duties for his own side. The latter has no special salary and no status or duties as a minister. The two Chief Whips together form the ‘usual channels’, a term often used in the House when referring to the arrangement of business or to the possibility of time being found for the discussion of some particular question. Both sides of the House have to ensure the presence of at least one Whip in the Chamber, and the Government Whips have the responsibility of seeing that Government business is not impeded by any procedural failure on the Treasury Bench. They are supplied with notes on the business of the day and indications when this or that must be moved and by whom. The Government Chief Whip also customarily moves the closure (q.v.). As well as its Chief Whip, each party has a Deputy Chief Whip and a varying number of junior Whips. Those on the Government side hold various offices and designations such as Lords Commissioners of the Treasury and political officers of Her Majesty’s Household. All these Government Whips are paid out of public funds, but there are also Assistant Whips appointed who are unpaid, i.e., like all the Opposition Whips they receive only their salary as Members of Parliament. In order principally to prevent any possible breach of the friendly relations which exist between them, the Chief Whips do not usually take part in debates in the House.

## WHITE PAPER

A colloquial term for a government report, statement of policy, or similar document, which is not of sufficient thickness to require

the stout blue covers which would transform it into a Blue Book (q.v.).

### 'WHO GOES HOME?'

This cry is echoed by the policemen on duty through the lobbies and corridors of the House of Commons when it has concluded its sitting and is about to close its doors. The cry had its origin in the far-off time when a member, wending his way homeward alone at night, was liable to be attacked and robbed, and therefore the doorkeepers of the House made arrangements for parties living in the same district to go home together for mutual protection.

### WILKES, JOHN (1727–1797)

Journalist, politician, and wit, Member of Parliament for Aylesbury and subsequently for Middlesex, whose importance in parliamentary history rests chiefly upon his achievements in vindicating the right of electors to return the candidate of their choice to the House of Commons and in securing for the Press the freedom to publish the debates and proceedings of Parliament without fear of penalization. In his later years he was also active in the cause of parliamentary reform (q.v.).

His journalistic activities incurred for him the odium of the Government, and on the publication of the famous 'No. 45' of his periodical, the *North Briton* (1763), in which he fiercely attacked the King's speech, he was prosecuted, discharged on the ground of his privilege as a Member of Parliament, but expelled from the House of Commons and subsequently outlawed. Returning to England in 1768 he was elected to Parliament for the county of Middlesex but was declared by the House of Commons to be ineligible to take his seat on the ground of his previous expulsion. He was three times re-elected for Middlesex, but on each occasion the election was declared invalid. He was returned again in 1774 at the beginning of a new Parliament and was permitted to take his seat, his disqualification applying only for the duration of the previous Parliament. After many attempts he was eventually successful in persuading the House to agree that all previous resolutions against him should be expunged from the Journals (1782). He remained a Member of Parliament until 1790.

For further details *see also* GEORGE III AND PARLIAMENT; PRESS AND PARLIAMENT.

### WILLIAM I (1027?–1087)

King of England by conquest; crowned 25 December 1066.

### WILLIAM II (1057?–1100)

Third son of William I; crowned King of England 26 September 1087.

## William III (1650–1702) and Parliament

### WILLIAM III (1650–1702) AND PARLIAMENT

The parliamentary system as we know it to-day may be said to have begun with the reign of William III and the acceptance of the Declaration of Right. The revolution of 1688 and the abdication of James II put an end to the struggle for supremacy between Crown and Parliament which had commenced with the reign of the first James, and Parliament had emerged the victors. The reign of William III may be regarded as a great landmark in parliamentary history for it finally established Parliament as the supreme authority in the land and saw the emergence of the Commons as the ruling influence. It is notable also for the development of the strength of party influences, the appointment of the first parliamentary ministry, and the institution of the Cabinet system. It must not be supposed that relations between William and his Parliaments were invariably cordial or totally free from dissension. The King and the Commons offended each other on a number of occasions, and the former withheld his assent from more than one Bill which had been passed by both Houses. But William was a wise and just monarch. He respected Parliament and, unlike his Stuart predecessors, recognized the force of public opinion even though it might conflict with his own.

After the flight of James II the Prince of Orange was requested to take over the administration pending the summoning of the Convention. The Convention met on 22 January 1689, and consisted of two Houses. It was not formally opened by William, who had as yet not been proclaimed Sovereign and therefore had no constitutional status. The fact of the Throne being vacant created a perplexing constitutional position, for although there was no Sovereign in actual practice, theoretically the monarchy was continuous. The situation was debated at great length by both Houses of the Convention and various views and proposals were put forward. Eventually the following resolution, which went far towards reconciling the conflicting opinions on the matter, was passed by the lower House:

That King James II, having endeavoured to subvert the constitution of the kingdom by breaking the original contract between King and people, and, by the advice of Jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of the kingdom, has abdicated the government, and that the throne is thereby become vacant.

Subsequently, the Lords also agreed with the view expressed by the Commons.

On the question of the succession there were three schools of thought. There were those who felt that the Prince of Orange should rule alone as King, others were in favour of offering the Crown to the Princess of Orange independently of her husband; whilst a third body of opinion

## William III (1650–1702) and Parliament

advocated a joint government by William and Mary with the former as actual ruler. The second proposal was unacceptable to both the Prince and Princess, and the third was at length agreed to as forming a favourable compromise. Meanwhile the Commons were engaged in preparing the celebrated Declaration of Right. This historic document, later confirmed by the legislation known as the Bill of Rights (q.v.), reasserted the laws, liberties, and religion of England, and resolved that William and Mary be declared King and Queen. William and Mary accepted the Crown under the conditions expressed in the Declaration of Right, undertaking to summon frequent Parliaments whose counsels should be regarded as supremely important. On 20 February 1689, the Convention declared itself a Parliament. In Scotland another Convention declared the deposition of James II and passed its own Claim of Rights, and on 11 May William and Mary were offered the Scottish Crown.

The first ministry of William and Mary was drawn from all parties, but it was not long before dissension broke out between the Whigs and the Tories. The King was anxious to arrive at a settlement of the revenue but the Whigs in the Commons were not disposed to be generous. The experiences of past reigns had made them chary of conferring upon the Sovereign a fixed income for life which might render him financially independent of Parliament. William considered himself entitled to the income of his predecessor, a fixed £1,200,000 per annum which had been agreed upon during the reign of Charles II. The Commons agreed to grant this sum to the King but voted it in the first instance for one year only. Unable to arrive at a mutually satisfactory arrangement, William, on the advice of his ministers, prorogued Parliament on 27 January 1690, and dissolved it ten days later. The Convention Parliament established the monarchy upon a secure constitutional foundation, but its subsequent proceedings greatly perturbed the King and caused wide antagonism.

A Tory majority was returned to the second Parliament of William and Mary which met on 20 March 1690. In his opening speech William asked for an immediate settlement of the revenue and for an Act of Indemnity in favour of all those who had been concerned in the proceedings of the previous reign. Both of these wishes were carried out. The Commons agreed to four revenue resolutions without a division, the effect of which was to grant to William and Mary the hereditary revenues and those parts of the customs and excise duties which had been received by James II; but in order to prevent the King from enjoying permanent financial independence the excise was voted for four years only. The Act of Grace, described by Macaulay as 'one of his (William's) noblest and purest titles to renown', was passed following the financial concessions. During its first session this Parliament also declared the acts of the Convention Parliament to be lawful.

## William III (1650–1702) and Parliament

When the King opened the second session of his second Parliament on 2 October 1690, he spoke urgently of the need to prosecute war against France. England, he said, was gravely threatened by that nation and additional funds were vitally necessary for war preparations. The King was strongly supported by the country and in recognition of the popular feeling the Commons voted a generous war grant of nearly £4½ million, but were forced to impose additional taxes in order to raise it. During the third session, which opened on 22 October 1691, further substantial grants were voted for the maintenance of the army and navy, both of which were greatly strengthened in manpower with the consent of the Commons. The lower House, however, reserved the right to examine, and if necessary to limit, the annual defence estimates, and also claimed control over the expenditure of public money. At this time the Lords and the Commons fell out over the appointment of a commission of inquiry into the public accounts. The upper House demanded a voice in the appointment of the commission, but the Commons regarded this as an infringement of their financial privilege, and circumvented the Lords by providing for the appointment in a special clause of a Money Bill which the peers did not venture to reject. The session ended on an inharmonious note with the King for the first time withholding his assent to a Bill which had been passed by both Houses. On 24 February 1692, he prorogued Parliament and announced that he was travelling abroad.

The conflict between the Whigs and the Tories continued undiminished, and when Parliament reopened on 4 November 1692 the Whigs complained bitterly of the mismanagement of the war and relentlessly attacked the chief ministers of the government. They also sponsored the Place Bill which, if passed, would have excluded all office-holders from Parliament. This measure, although passed by the Commons, was rejected by the Lords by only two votes. The most important business of this session concerned the Triennial Bill, which aimed to provide for a fresh Parliament every three years. This measure provoked violent argument but was eventually passed by both Houses. The King, however, refused his assent, much to the surprise of Parliament and the country. Although completely within his constitutional rights, William's action was ill-advised. Unlike the previous measure he had rejected (a Bill affecting the judiciary and the payment of judges' salaries), the Triennial Bill was one of profound importance to Parliament and the community, and in exercising his veto he caused widespread ill-feeling. On 14 March 1693, William closed the session. Shortly afterwards significant ministerial changes took place. The Whigs had greatly strengthened their position, having taken the initiative in a matter of major constitutional importance, and certain leading Whigs were appointed to high offices in the government, although the Tories remained in the majority.



## William III (1650-1702) and Parliament

The fifth session of the second Parliament of William and Mary opened on 7 November 1693. The Commons began the session by attacking the Admiralty for its mismanagement of the fleet. The Place Bill was reintroduced and this time passed both Houses but the King would not assent to it. Although angered by his refusal, the Commons continued to behave generously in voting supplies for the prosecution of the war. ~~A~~ 5 million was granted for the maintenance of the army, and navy together with an increase in manpower for the former. During this session the question of the revenue came in for further attention, and it was at this time that the principle was approved of providing a fixed income to meet the Sovereign's personal expenses, while defence expenditure was separated and placed under the direct control of the Commons. The pressing requirements of the war were responsible for two great innovations in 1694—the National Debt and the Bank of England. Both arose from the necessity of relieving the government of its financial difficulties. Parliament was prorogued on 25 April 1694, and the sixth session commenced on 12 November. Tonnage and poundage were granted to the King for a further period of five years. To emphasize the fact that the grant lay within their benevolence the Commons allowed one day to elapse between the expiry of the old period and the renewal of the grant. The Triennial Bill was reintroduced and quickly passed through all its stages in both Houses, and this time the King gave the measure his assent, the prevalent rumour being that the renewal of the tonnage and poundage grant was conditional upon its acceptance. The Triennial Act was received with acclamation. It did not, of course, affect the right of the Sovereign to dissolve Parliament at any time before it had run its three-year course, should he think fit.

On 28 December 1694 the Queen died and William continued to reign alone. The effect of Mary's death was to strengthen the Whigs still further and to drive the Tories into opposition to the government. Many Tories had had misgivings over the conduct of the nation's affairs on the part of the administration, but had felt themselves muzzled owing to their connexions at Court, but with the death of the Queen these had largely fallen away. Tory ex-ministers began strongly to attack the government's policies, whilst the Whigs saw in these new developments an opportunity for breaking the power of the Tories and ousting them from the administration altogether. On 3 May 1695 Parliament was prorogued and on 11 October it was dissolved, the King having been advised to take advantage of the favourable circumstances to hold new elections.

William's third Parliament met on 22 November 1695. A number of leading Tories were defeated at the elections and a House of Commons largely favourable to the government was returned. Parliament promised wholehearted support for the war and voted a grant for the

## William III (1650–1702) and Parliament

maintenance of the armed forces even greater than that which had been voted by the last Parliament. There was, however, a great obstacle in the way of raising this money. The coinage of the realm had become so depreciated through clipping and filing that it bore no relation to its original value. What good coin there was in circulation was generally hoarded, and it was decided that the only solution to the financial crisis which threatened was to recoin the money. Both the King and Parliament agreed that the loss involved should be borne by the state to avoid inflicting insupportable hardship upon the people. Nevertheless, new taxes were inevitable in order to meet the loss, and it was resolved to levy a window tax on all dwellings except cottages.

In spite of the pro-government majority in the House of Commons, the King received several checks from Parliament during this session. In the face of strong opposition he was compelled to recall a gift of Crown land, to abandon his support of the Darien Scheme, and to agree to the establishment of a Board of Trade. His policy on domestic issues at this time was to give way to Parliament in order to retain the support of the Commons for the prosecution of the war with France, his most cherished project. In this he demonstrated his wisdom, for the Commons did not deviate in their support of his foreign policy and agreed to some drastic measures in the face of the critical situation which had developed. Both Houses of Parliament, in testimony of their loyalty, drew up declarations which finally dispelled any doubts which might still have existed regarding William's constitutional right to the Crown, and a patriotic association was formed which was backed in the country by an overwhelming majority of the ordinary people. The national unity on the war issue, however, did little to abate the political conflict between the Whigs and the Tories. In 1696 a bitter financial quarrel was fought out between the two parties when the Tories, hoping to destroy the Bank of England, formed a company to establish a National Land Bank. Although it was encouraged by the King (whose need of money would have led him to encourage any promising project), the scheme was a failure and its collapse strengthened the Bank of England immeasurably. The latter resolved to lend the King a large sum of money which he had been striving desperately to raise and for which he was permanently grateful. This transaction brought the bank into alliance with the Whigs, whose powerful influence was the finest guarantee of its future security.

The second session of William's third Parliament, which opened on 20 October 1696, was mainly occupied with the proceedings against the Jacobite, Sir John Fenwick, who was executed after a Bill of Attainder had been passed against him. When the third session commenced on 3 December 1697, the country was at peace. The Treaty of Ryswick, concluded on 10 September, put an end to the eight-year conflict and won the recognition of all Europe for William as the King of England.

## William III (1650-1702) and Parliament

The Treasury, however, was by this time empty, having been drained of all its resources for the purposes of the war. The King in his opening speech spoke urgently of his need for Supply and of the necessity for maintaining the army in order to secure the peace. In spite of his plea the Commons voted by a majority of only three votes to take Supply as the first order of business, and much to William's chagrin they resolved that the army should be disbanded. On the question of a standing army in peace-time there was no party cleavage. The Commons were traditionally opposed to a standing army on principle, for the power of a Sovereign with an armed force under his direct control was enormously strengthened. Thus, in this matter the King was unable to rely upon his supporters in the Commons carrying the day for him. Nevertheless, the Commons were generous in relieving William of his financial difficulty and voted £700,000 for the Civil List. Later in the session the Whigs and the Tories joined issue with each other over the monopoly of the East India Company. A new company, the General East India Company, had been established with the support of the Whigs, and had for some years been disputing with the older company over the matter of trading rights. The Tories supported the interests of the original company and proposed that its privileges should be secured; but the Commons eventually agreed to the Whig counter-proposal setting up a new company altogether with exclusive trading rights. The old company was permitted an interest in the new one and, in fact, became its largest subscriber. The King gave the new venture his support and waived his prerogative to permit the passage of the necessary legislation. On 5 July 1698 Parliament was prorogued and two days later dissolved.

The elections were no triumph for either the government or the opposition. Both the Tories and the Whig supporters of the government suffered at the polls, and there was a large influx of new members, uncommitted to either party, who held the balance in the Commons. On 6 December 1698 William opened his fourth Parliament. In his speech he emphasized the importance of maintaining the armed forces and replenishing the exchequer. But this Parliament relished the idea of a standing army no better than the last, and deferred the discussion of Supply until this matter should have been considered. With popular feeling overwhelmingly ranged against them the government was powerless and the King with great reluctance assented to a Bill providing for the disbandment of the army. When they came to consider Supply the Commons were considerably less generous than their predecessors in the previous Parliament, and the King, greatly dissatisfied, closed the session on 4 May 1699. Various ministerial changes took place before the commencement of the second session of this Parliament on 16 November. Again the King in his opening speech dwelt upon the necessity for securing the nation against threats from

## William III (1650–1702) and Parliament

without and supplying the needs of the Treasury. But the Commons were not disposed to be obliging, and instead of complying with the King's wishes they raised various difficulties and levelled attacks against certain ministers and judges. The most serious issue arose out of the disposal of the forfeited estates of Ireland. The King claimed that the right of disposal lay with himself, but the Commons insisted that they should be applied to the public interest, and resolved that a Bill should be brought in to that effect. Bitter feeling was engendered by this dispute; the parties flung out recriminations, and the majority in the Commons found themselves alienated from both the King and his ministers. In the House of Lords the Bill was adopted with a number of amendments, but the Commons would accept no compromise and threatened to withhold Supply unless the Bill was passed in its original form. Eventually the Lords yielded and carried the Bill as it stood by five votes. This was a major triumph for the Commons and a disaster for those Whigs who had opposed the measure, for its passing spelt their downfall. On 11 April 1700 the King came to the Houses of Parliament, gave his formal assent to a number of Bills, and without a word to the assembled Lords and Commons he ordered the prorogation of Parliament. On 19 December it was dissolved.

The ensuing elections returned a Tory majority to the House of Commons. At this time the situation in Europe was giving the King cause for grave concern, as the actions of Louis XIV in the matter of the Spanish succession were providing grim warning of the designs of France. When opening Parliament on 6 February 1701, he dwelt on the necessity for securing the Protestant religion and the peace of Europe. He also drew attention to the matter of the English succession which had been complicated by the death of the young son of the Princess Anne. In order to secure the Protestant succession a settlement was required which would forestall the claims of the son of James II. The House did not share the King's foresight in regard to the threat to the peace of Europe, although a resolution was passed pledging them to take any measures necessary for the safety of the kingdom. But they realized the urgency of the need for settling the succession. A committee was appointed to examine the question and on the basis of their resolutions a Bill was brought in which was quickly passed into law as the Act of Settlement (q.v.). It ignored all hereditary claims for the sake of securing the Protestant succession, and it provided among other things for the disqualification of any future potential successor not in communion with the Church of England.

Foreign affairs next occupied the attention of the Commons and the King and certain of his ministers were attacked for having concluded the second Partition Treaty of 1700, a treaty which had been designed to settle the Spanish succession and had been violated by Louis XIV. The Commons maintained that the treaty was inimical to

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the interests of the nation and proceeded to impeach the Whig ministers whom they held to be responsible, and requested the King to dismiss them permanently from his councils. Fortunately for the Whigs they were stronger in the Lords than in the Commons, and with the support of the bishops they carried an address to the King beseeching His Majesty to take no action against the accused ministers until they had stood trial before the upper House. By this time the attitude of the Commons was losing them the support of the country. William was a popular and trusted monarch, and his treatment at the hands of his fifth Parliament was arousing indignation among the people. Eventually, the voice of public opinion was heard in the famous Kentish Petition, signed by a large number of freeholders and justices of the peace, declaring the deep devotion in which the King was held by his subjects, and imploring the Commons 'to have regard to the voice of the people, that our religion and safety may be effectually provided for, that your loyal addresses may be turned into bills of supply, and that his most sacred Majesty (whose propitious and unblemished reign over us we pray God long to continue) may be enabled powerfully to assist his allies before it is too late'. This petition infuriated the Commons, who immediately took action against its initiators. But in so doing they alienated themselves from the popular feeling still further. Owing to much wrangling of a technical nature, the impeachments were dropped, and the proceedings which had led up to them proved very damaging to the Tory cause. Reacting at last to the national feeling, and perceiving rather belatedly the threat of which the King had given them warning, they fell in with the general view. At this juncture the King deemed it advisable to close an unsatisfactory session, and he prorogued Parliament until 7 August. On 16 September James II died in France, and the action of Louis XIV in recognizing his son as King of England made war inevitable. In the circumstances William decided on a dissolution of Parliament, the Tories in the Privy Council opposing the recommendation. It was a wise decision as his fifth Parliament had completely lost the confidence of the country.

The elections returned a substantial majority in favour of the King although there was little difference in the strength of each party, as represented in the House of Commons. William opened his sixth and last Parliament on 30 December 1701, and delivered his last and most memorable speech to the assembled Houses. He exhorted all members to unity in the face of the common danger and besought them to waste no time in taking the measures necessary to secure the safety of the land. He denounced the French King and the Pretender, and concluded with the warning, 'If you do in good earnest desire to see England hold the balance of Europe, and to be indeed at the head of the Protestant interest, it will appear by your right improving the present opportunity.' Both Houses returned an enthusiastic

## William IV (1765–1837) and Parliament

response to the King's exhortation and promised all the support necessary to achieve the common purpose. Bills to provide men for the armed forces were speedily passed, followed by a Bill attainting the Pretender. Yet other issues soon aroused party struggles. A Bill to make compulsory the taking of an oath of abjuration was fiercely resisted by the Tories and narrowly passed by both Houses. The question of reopening the trial of the Whig ministers impeached during the last Parliament was raised, the proposal being defeated in the House of Commons by only fourteen votes. The Commons by their vote established the principle that an accused person is entitled to a speedy trial, and this in turn led to the broader issue of the rights of the subject in relation to the privileges of Parliament. Many voices in the country, including that of Defoe, were claiming the subordination of Parliament to the will of the people. The Whigs supported this view and claimed that the representatives of the people were answerable to those who had elected them, and that the people, if dissatisfied with the conduct of affairs by Parliament, possessed the undoubted right of petitioning the Sovereign for a dissolution. The Tories claimed for Parliament the right to override any other interests. While this party strife was in progress the King suffered a serious riding accident from the effects of which he died on 8 March 1702. Thus the solution of the mighty issues to which he had devoted himself, including the war and the proposal for a union with Scotland, were to remain for his successor.

The reign of William III was notable for many great advances and achievements. The relationship between Sovereign and Parliament had been stabilized upon the foundation of the Bill of Rights. The annual Mutiny Act, first passed in 1689, had limited the power of the Crown by establishing parliamentary control over the army. Personal liberty had been further secured with the granting of freedom to the Press by the repeal of the Licensing Act of 1662 and the amendment of the law of treason. The recoinage of the money, the establishment of the Bank of England, and the revision of the financial system were innovations of the highest importance in fiscal history. In religion, the Toleration Act had, in the words of Macaulay, 'removed a vast mass of evil without shocking a vast mass of prejudice'. And although the age of parliamentary reform and the universal franchise had yet to dawn, the accession of William and Mary to the Throne of England had heralded a new and enlightened era of popular liberty.

## WILLIAM IV (1765–1837) AND PARLIAMENT

The third son of George III, William IV succeeded his brother George IV on the latter's death on 26 June 1830. Although his reign was a short one it is memorable in the annals of parliamentary history for the achievement of those major reforms in the representative

## William IV (1765-1837) and Parliament

system for which progressive thinkers had been battling for so many years. William IV, although he was in no way remarkable, was possessed of constitutional integrity as a Sovereign, and of the qualities of unselfishness and geniality as a man. At the elections which followed shortly after his accession the advocates of reform were returned to the House of Commons considerably increased in numbers. The Duke of Wellington and his Tory ministry were continued in office, but when Parliament opened on 2 November the Duke, during the debate on the address, made the rash statement which was to bring down his Government. Voicing the Government's opposition to parliamentary reform he said that 'the country possessed a legislature which answered all the good purposes of legislation' and that 'the legislature and the system of representation possessed the full and entire confidence of the country'. An assertion more contrary to the popular feeling could hardly have been made. On the same day Brougham gave notice that he intended to raise the subject of the representation, and a few days later the Government was defeated on a motion for a committee of inquiry into the Civil List (q.v.). Wellington and his colleagues resigned and the Whig leader, Earl Grey, was commissioned to form a Government. Grey's ministry was drawn entirely from the Whigs and their allies, and the new Prime Minister stipulated that reform should be a Cabinet question. The King was not easily convinced of the sagacity of a reform policy, but he was eventually persuaded to accept Grey's condition, and having done so it is to his credit that he did not waver in the support he gave to the Liberal Government. The new ministry was rich in talent, including Brougham as Lord Chancellor, Melbourne Home Secretary, Palmerston Foreign Secretary, Durham Lord Privy Seal, Lansdowne Lord President of the Council, Althorp Chancellor of the Exchequer, Goderich War and Colonial Secretary, and Lord John Russell Paymaster-General. The latter minister was delegated the Government's chief spokesman on the reform issue, his office being merely a sinecure.

The first Reform Bill was introduced in the House of Commons by Russell on 1 March 1831. It proposed the disfranchisement of 60 'rotten' boroughs, the removal of one member from each of 47 others, and a redistribution of seats which would have reduced the House of Commons from 658 to 596 members. It provided also for a uniform £10 household franchise in the boroughs and the abolition of the exclusive privileges of corporations. It was in a tense and excited House that Lord John Russell read out the names of the condemned boroughs whilst the outraged Tories opposite scoffed at the idea of their disfranchisement. For seven nights the House debated the introduction of the Bill, and on 21 March the second reading was agreed to by one vote in the fullest House which had ever assembled for a debate, the figures being 302 to 301. The Bill was committed on 18

## William IV (1765-1837) and Parliament

April, and an amendment proposing that the number of members for England and Wales ought not to be diminished was carried against the Government by 299 to 291. On 21 April the Government announced its decision to proceed no further with the Bill, and on the following day it was defeated by 22 votes on a motion to adjourn. Lord Grey applied to the King for a dissolution, but the Parliament was barely six months old and the King did not immediately accede to Grey's request. This action on the part of the Prime Minister gave rise to scenes of unprecedented unruliness in both Houses of Parliament. In the Lords, on the afternoon of the 22nd, Lord Wharncliffe moved an address to the Crown against a dissolution, and Lord Mansfield, against a background of confusion, attacked the Government for 'conspiring against the safety of the State and making the Sovereign the instrument of his own destruction'. The proceedings were interrupted by the arrival of the King himself, who had decided to grant a dissolution. A scene of uproar was simultaneously being enacted in the House of Commons when Black Rod arrived to summon the lower House to attend His Majesty in the Lords. The King prorogued Parliament with a view to its immediate dissolution, having decided that it was his duty to stand by the defeated Government, and the dissolution was proclaimed on the following day.

At the elections the reform party was returned in very great strength. The second Reform Bill was introduced on 24 June 1831, and was followed by similar Bills for Scotland and Ireland. The second reading was taken on 4 July and after a debate lasting three nights it was agreed to by the substantial majority of 367 to 236. The dissentient minority adopted such obstructive tactics during the committee stage, however, that the Bill did not pass its third reading until 21 September when it received the approval of the House of Commons by 345 to 236. The country now waited tensely to see what would happen to the Bill in the House of Lords. The debate on the second reading carried on for five nights and Lord Grey in the most emphatic terms entreated the peers not to reject the measure. Nevertheless, when the division was taken the opponents of the Bill numbered 199 against 158 in its favour. Of the spiritual peers only one, the Bishop of Norwich, supported it. This action of the prelates incited the popular feeling against the Church and so exasperated was the country by the peers' rejection of the Bill at a time when Parliament was inundated with petitions calling for reform that there was grave cause for alarm at the insurrectionary trend of the popular reaction. The Government remained in office after the rejection of the Bill and the House of Commons passed a vote of confidence in Lord Grey and his colleagues by 329 to 198.

Lord John Russell introduced the third Reform Bill on 12 December 1831, and the second reading was agreed to in the Commons by 324



## William IV (1765–1837) and Parliament

to 162. The proceedings on the Bill in committee were protracted from the middle of January to the middle of March 1832, and the third reading was carried on 19 March by 355 to 239. A number of peers who had voted against the previous Bill had been much chastened by the events which had followed their action, and when the third Bill was referred to the House of Lords the second reading was passed by 184 to 75, the Archbishop of York and several bishops this time voting in its favour. In committee, however, Lord Lyndhurst moved that the disfranchising clauses of the Bill be held over until the enfranchising clauses had been considered. Grey, in opposing the amendment, let it be known that if the House accepted it the Government would regard the Bill itself as having been defeated, but the motion was nevertheless carried against the Government by 151 to 116. Grey now resorted to an extreme course. He requested the King to create a sufficient number of peers from amongst the advocates of reform to ensure the success of the Bill in the upper House, and upon the King's refusal to take this unprecedented step Grey and his colleagues resigned. Straight away the House of Commons passed a vote of confidence in the outgoing Government by 288 to 208, together with an address beseeching His Majesty 'to call to his councils such persons only as will carry into effect, unimpaired in all its essential provisions, the Bill for reforming the representation of the people which has recently passed this House'. The King turned first to the former Prime Minister, the Duke of Wellington, who failed to form a Government. He then recalled Lord Grey to office, who repeated his proposal regarding the creation of new peers. Reluctantly the King consented to create the additional peers should it become necessary, but he communicated his resolve to the opposition in the House of Lords and appealed to them to allow the Bill to pass. The threat and the appeal proved effective. The third Reform Bill was suffered to pass the House of Lords, and on 4 June 1832 the third reading was agreed to in the upper House by 106 to 22, most of the opposition peers having absented themselves. Similar Bills for Scotland and Ireland were also passed, and a great measure thus finally reached the Statute Book, due to no small extent to the personal influence of the Sovereign. The details of the changes made by the Act in the representative system will be found under the heading REPRESENTATION.

The first General Election to be held after the passing of the Reform Act gave an overwhelming victory to the Liberal Party which had carried it. The composition of the first reformed House of Commons was 486 Liberals and 172 Conservatives. The new Parliament was opened by commission on 29 January 1833, and Lord Grey continued in office as Prime Minister until 9 July 1834. His eventual resignation was brought about by his conduct of Irish affairs, which were a matter of grave concern throughout the reign of William IV. The collection

## William IV (1765–1837) and Parliament

of tithes in Ireland had been rendered virtually impossible by the violence and lawlessness which rent that turbulent country, and the Government was forced to pass measures for the relief of impoverished clergy. Simultaneously, a Coercion Act was passed providing for special powers to deal with unrest in Ireland. A further measure provided for sweeping church reforms in Ireland, but a clause dealing with the appropriation of surplus church revenues was abandoned as involving a controversial principle. The ministry itself was seriously disunited on the Irish question, and when in 1834 Grey proposed to renew the Coercion Act he lost the support of his closest colleague, Lord Althorp, and felt himself constrained to resign. Amongst other notable reforms for which Grey's administration is memorable are the abolition of colonial slavery, the protection of women and children working in industry under the Factory Act of 1833, the substantial improvement of the Poor Laws, and the repeal of the East India Company's trading monopoly.

Lord Melbourne succeeded Earl Grey as Prime Minister and Lord Althorp rejoined the Government as Chancellor of the Exchequer. Shortly afterwards the latter was elevated to the House of Lords as Earl Spencer, having succeeded to the title upon the death of his father and as Melbourne's Government had depended upon him to lead the House of Commons, the Prime Minister intimated to the King that a change of ministry might not be inadvisable. Acting on Melbourne's suggestion the King dismissed the Government and sent for the Duke of Wellington, who recommended that Sir Robert Peel should be entrusted with the formation of a new Government. Peel being abroad at the time, the Duke took over the reins of government pending his arrival, actually holding all the secretaryships of state personally during this period. Peel formed his administration in December, himself taking office as First Lord of the Treasury and Chancellor of the Exchequer, with Lyndhurst as Lord Chancellor, Wellington Foreign Secretary, Goulburn Home Secretary, and Lord Aberdeen War and Colonial Secretary. It was in this administration that William Ewart Gladstone was first called to office as Junior Lord of the Treasury, subsequently transferring to the Colonial Office as Under-Secretary of State. This great Liberal statesman originally entered Parliament in 1832 as a Tory.

Parliament was dissolved in December 1834, and the Conservatives improved their position at the General Election, although the Liberals retained a large majority in the House of Commons, securing 380 seats against the Conservatives' 273. Prior to the dissolution, a major catastrophe occurred when the Houses of Parliament were destroyed by fire on 16 October. Both the Lords' and Commons' Chambers were totally destroyed, but Westminster Hall was fortunately spared. A number of valuable documents were lost, but the greater

part of the books and papers in the libraries escaped the ravages of the fire.

The new Parliament met in February 1835, and Peel's Government was defeated on the election of the Speaker and also on the address, when an amendment was carried attacking the dissolution of the previous Parliament. A Government measure for the commutation of tithes met with failure when the question of appropriation was raised by the Libera<sup>l</sup>. Lord John Russell moved resolutions urging that the surplus revenues of the Church of Ireland should be used for promoting the moral and religious welfare of the people and affirming that no measure on the subject of tithes which failed to embody this principle would prove acceptable. Both resolutions were carried in committee and Peel's Government resigned in consequence. Lord Melbourne returned to office as Prime Minister and formed a Government including Lord John Russell as Home Secretary, Palmerston Foreign Secretary, and Spring Rice Chancellor of the Exchequer. Government and Opposition having changed places, the battle over the Irish tithes continued as fiercely as ever. A Bill brought in by the new Government incorporating the controversial appropriation clauses passed its second reading in the House of Commons and the House of Lords, but during the committee stage in the upper House all the appropriation clauses were deleted and the Bill was abandoned. It was reintroduced the following year, 1836, when it met with a similar fate and provoked Lord John Russell to complain of the action of the House of Lords in interfering with a Money Bill. The Bill was revived again in 1837 but dropped owing to the dissolution which followed the King's death.

In 1835 Melbourne's Government took up the matter of municipal reform, a logical consequence of parliamentary reform, and Russell's Municipal Corporations Bill established many salutary innovations in the local government system. In 1836 two Acts were passed in favour of Dissenters, the one legalizing the solemnization of marriages in Nonconformist churches and the other providing for a civil record of births, marriages, and deaths. In the same year, following the appointment of several commissions of inquiry into the affairs of the Church of England, the Ecclesiastical Commissioners were appointed, and various church reforms recommended by them affecting episcopal dioceses and incomes were approved by Parliament.

William IV died on 20 June 1837. The seven years of his reign brought reforms so radical and sweeping that it is doubtful whether they could have been effected in any other country without the compulsion of a popular revolution. Much of the credit for the peaceful transition must go to Earl Grey, under whose Government the constitution of the House of Commons was first recast in the form familiar to us to-day.

## Windward Islands

### WINDWARD ISLANDS

*See* DOMINICA LEGISLATIVE COUNCIL; GRENADA LEGISLATIVE COUNCIL;  
ST. LUCIA LEGISLATIVE COUNCIL; ST. VINCENT LEGISLATIVE COUNCIL.

### WITENAGEMOT

The council of the Anglo-Saxon Kings, known also as the Witan. It was a body of no specifically defined composition, yet it could wield great power, and the ancient English Kings were elected by it. It was called by the King when he wished, and if he was a strong King it was constituted as he desired. The Witan was a small, aristocratic assembly composed of the wise and noble men of the realm, and the bishops were its most permanent and at times its most powerful element. It was nevertheless a supreme legislative, governmental, and judicial assembly, and as such it may be said to have been an ancestor of Parliament. However, as Maitland points out, the whole business of a central government was as yet very small. Existing laws were few, new laws were made very infrequently, and taxation was practically unknown until the first tribute was raised in 991 to buy off the Danes. The rents of public lands and the profits of the Courts provided sufficient revenue to run such central government as existed. The Witan also acted as a court of justice, but until justice had failed suitors in the local courts, recourse to it was not encouraged.

### WOMEN IN PARLIAMENT

Except during ancient times, women were ineligible to sit in the English Parliament until 1918. Some of the Anglo-Saxon Witenagemots (q.v.) were known to have included abbesses, but the participation of women in the councils of the realm must have ceased at a very early date as their presence is not recorded at any medieval Parliaments.

The election of women to the British Parliament was made possible by the passing of the Parliament (Qualification of Women) Act in 1918, and the first woman to be elected was the Countess Markiewicz (1868-1927) for a Dublin constituency in the same year. An Irishwoman who married a Pole, she was an uncompromising Republican, and like the other Sinn Feiners elected at the same time, did not take her seat in the House of Commons. The first woman to do so was Viscountess Astor, who sat for the Sutton Division of Plymouth from 1919 to 1945. There have been four women ministers, Miss Margaret Bondfield (Labour, 1929-31), Miss Ellen Wilkinson (Education, 1945-7), Dr. Edith Summerskill (National Insurance, 1951), and Miss Florence Horsburgh (Education 1951-5.) Other women members have been appointed Parliamentary Secretaries or Under-Secretaries of State, including the Duchess of Atholl (Education), Miss Susan Lawrence (Health), Miss Margaret Herbison (Scotland), and Miss Patricia

Hornsby-Smith (Health). In Canada the first woman Minister, Mrs. Ellen Fairclough, was appointed to the Conservative Government formed in 1957. Women also occupy the Chair, and British Columbia has the distinction of having elected in 1950 the first woman Speaker in the Commonwealth, Mrs. Nancy Hodges, while India's House of the People has two women on its panel of Chairmen. The first woman to preside over the House of Commons was Mrs. F. Paton when acting as Temporary Chairman in 1948. Apart from women who have distinguished themselves as members of the Government, others have made useful contributions to the Statute Book. Miss Eleanor Rathbone was responsible for the introduction of family allowances, and Lady Tweedsmuir introduced a Bill in 1954 which became the Protection of Birds Act. Mrs. Mavis Tate, by agreeing to join the parliamentary delegation which visited Belsen just after the War, demonstrated that women members expect to share the more unpleasant parliamentary duties with the men. The contribution of women M.P.s to discussions in the Parliaments of the Commonwealth has been most valuable where their special interests are concerned—health, education, welfare, and all matters affecting the family and the care of children, adolescents, and the aged. There are to-day (1957) 25 women in the House of Commons. Ninety-two women stood as candidates at the 1955 General Election.

It was thought that the Sex Disqualification (Removal) Act of 1919 would give women peers (peeresses in their own right) the same right as male peers to sit in the House of Lords, but the Committee for Privileges of the House of Lords decided in 1922 in the case of Viscountess Rhondda that the Act conferred no right to receive a writ of summons to Parliament. Following some correspondence in *The Times*, motions were moved in the House of Lords in March 1946 to enable peeresses to sit and vote in the House and to make it possible for women to be made peers on the same terms as men. In view of the opinions expressed by their Lordships, one of these motions was not moved and the other was withdrawn. A public petition was organized in 1947 to secure the admission of peeresses to the upper House, but a motion in favour of this was carried in the Lords on 27 July 1949 which rendered the presentation of the petition unnecessary. However, the Government were only prepared to deal with the question as part of the general reform of the House of Lords, regarding it as a constitutional matter and not merely as the removal of a sex disqualification. The complete political emancipation of women, therefore depends on the settlement of an even more controversial question. (See HOUSE OF LORDS REFORM.)

The new Constitution which has been adopted by Pakistan provides for ten seats in the new National Assembly which will be specially reserved for women members who will be elected by ten women's

## Woodfall, William (1746–1808)

constituencies, five in East and five in West Pakistan. This novel method of ensuring the election of a certain number of women to Parliament would seem to be unique in the Commonwealth.

## WOODFALL, WILLIAM (1746–1803)

The first parliamentary reporter to publish reports of debates on the morning after they had taken place. He achieved contemporary fame through his remarkable memory, which enabled him to write an accurate report of a speech merely by listening to it and, without taking notes. He commenced his reports of parliamentary debates in 1789.

## WOOLSACK

A square couch which tradition says was placed in the House of Lords in the time of Edward III. When the House is sitting the Woolsack is the seat of the Lord Chancellor (q.v.). At first it was stuffed with wool clippings as a reminder of England's staple trade, but in course of time it came to be stuffed with hair. In 1938 it was re-stuffed with a blend of wool from the British Isles and Commonwealth countries given by the International Wool Secretariat.

The Woolsack is considered to be outside the precincts of the House, and the Lord Chancellor, when he wishes to address his fellow peers, must 'enter' the House by standing aside from the Woolsack.

## WOOLTON-TEVIOT AGREEMENT

*See* NATIONAL LIBERAL PARTY.

## WORKS, MINISTER OF

The Department of the Commissioners of Works and Public Buildings was created by an Act of 1851 to take over the royal palaces and parks and public buildings from the former Commissioner of Woods, Forests, and Land Revenues. It was controlled by a First Commissioner, the Secretaries of State, and the President of the Board of Trade. The department was known as the Office of Works until 1942, when under the Ministry of Works and Planning Act it acquired a Minister in place of the First Commissioner and took over most of the town and country planning functions of the Ministry of Health. Planning, however, was soon afterwards assigned to a new Minister of Town and Country Planning by an Act of 1943, and the Minister of Works and Planning is now the Minister of Works. The Minister is still responsible for royal palaces and parks, and also for diplomatic and consular offices and the preservation of ancient monuments, regarding which it publishes a useful series of guide-books. The work of the Minister was considerably increased during the war, when he controlled the construction of aircraft and munition factories and

planned post-war building under the direction of the Minister of Reconstruction. In 1951 his department assumed responsibility for the Festival of Britain. The Minister's salary is £5,000 a year and his Parliamentary Secretary's £2,500. Both are entitled to a further £750 if they sit in the House of Commons.

A chronological list of First Commissioners and Ministers of Works appears as Appendix 32.

## WRIT

A document issued by the Clerk of the Crown in Chancery, or the Governor in the case of Northern Ireland, directing the Returning Officer of a constituency to hold an election for a Member of Parliament. Before a General Election the Queen in Council orders the Lord Chancellor to issue the writs, but for a by-election the Clerk of the Crown issues the writ on a warrant from the Speaker. When the House is sitting it orders the Speaker to issue his warrant, but during a recess it is his statutory duty, if a member has died or has been elevated to the peerage, to issue his warrant on the receipt of a certificate under the hands of two members. At the beginning of each Parliament the Speaker is required to appoint not more than 7 and not less than 3 members to issue writs in case of his own death, the vacation of his seat, or his absence abroad. Motions for new writs in the House of Commons are taken immediately after Prayers, and although any debate is unusual it is limited to fifteen minutes. It was found necessary to fix this limit because during the war years the Common Wealth Party frequently challenged the motion on the grounds that the electoral register was out of date, and on one occasion used up half the time allotted to questions in discussing the matter.

## WRIT OF SUMMONS

In the 13th century those who were summoned to the King's Council in Parliament were the holders of a barony, and it came to be held that a person who had received a summons and had taken his seat required not only a right to be summoned to future Parliaments but an hereditary right to be summoned which descended to his heirs. Thus baronies came to be created by a writ of summons to Parliament, but Richard II introduced the modern method by creating a barony by letters patent under the Great Seal. However, the Lords Spiritual and Temporal are still summoned to the opening of a new Parliament by a writ of summons, issued by the Clerk of the Crown on behalf of the Queen, which commands them to be personally present with the Queen in the City of Westminster on the appointed day, and there to treat and give their counsel upon 'certain arduous and urgent affairs' concerning the Queen, the State, and the defence of the United Kingdom and the Church.

# Y

## YEOMAN' USHER OF THE BLACK ROD

The deputy to the Gentleman Usher of the Black Rod (q.v.). According to the Civil Estimates 1957-8 the duties of this post are being carried out by the secretary to the Lord Great Chamberlain. The present salary of the Yeoman Usher is £765 per annum.

## YONGE, SIR THOMAS, CASE OF

*See* HAXEY, THOMAS, CASE OF.



# Z

## ZANZIBAR LEGISLATIVE COUNCIL.

The control of the Zanzibar Protectorate was transferred from the Foreign Office to the Colonial Office on 1 July 1913, legal effect being given to the change of administration in the following year. The government was vested in a High Commissioner, who was also Governor of the British East Africa Protectorate, and a British Resident. In 1925 the High Commissionership was abolished and a Protectorate Council established with His Highness the Sultan as President. It was of an advisory and consultative nature, and ceased to exist in 1926, when Executive and Legislative Councils were constituted. The Sultan presided over the Executive Council and the British Resident over the Legislative Council, which consisted of 4 *ex-officio*, 5 official, and 8 unofficial members. The unofficials were appointed by the Sultan and comprised 3 Arabs, 2 Indians, 2 Africans, and 1 European. In October 1955 new constitutional proposals were announced and legislative effect was given to them in March 1956, when the Councils Decree was passed. The Decree, which came into force in the following September, provided for the establishment of a Privy Council, the reconstitution of the Executive Council, and the enlargement of the Legislative Council to 25 members. The Privy Council consists of the British Resident, the Chief Secretary, the Attorney-General, and 3 other members, its function being to advise the Sultan when requested. The Executive Council, from which the Sultan has withdrawn, now consists of the British Resident, 3 other *ex-officio* members, 4 official members, and 3 unofficial members of the Legislative Council. The 3 unofficials are specially associated with the Departments of Education, Health, and Agriculture, and this reform represents a first step towards the eventual establishment of a ministerial system. The Legislative Council continues to be presided over by the British Resident and includes 3 other *ex-officio* members, 9 official members, and 12 unofficial members. Six of the unofficials are elected to represent six constituencies by a common voters' roll which is restricted to male subjects of the Sultan. Under the Legislative Council (Elections) Decree, 1957, voters must fulfil certain qualifications of age, residence, and literacy (if under forty years of age) and one additional qualification of either income, property, or service in a public office. The first elections took place in July 1957. The remaining 6 unofficial members are nominated by the Sultan on the advice of the British Resident.

## **Zinoviev Letter**

The Legislative Council has no building of its own and meets in the Victoria Gardens Hall.

A statement made by the British Resident at the time of the announcement of the recent constitutional reforms (3 October 1955) made it clear that it is the desire of the British Government and of His Highness the Sultan that Zanzibar should, by appropriate stages, attain internal self-government within the Commonwealth.

## **ZINOVIEV LETTER**

A letter purporting to have been sent in 1924 by Zinoviev, Chairman of the Communist International, to the Communist Party of Great Britain instructing them to prepare an armed revolution. Unfortunately for the Labour Party it was issued to the Press by the Foreign Office together with a note of protest addressed to the Soviet Ambassador by Ramsay MacDonald, who was then Prime Minister and Foreign Secretary. At the General Election (the 'Red Letter' election) which followed a few days after its publication, the letter, although its authenticity was denied by the British Communist Party and the Soviets, became the most important issue and contributed largely to the fact that the Labour Party was not returned to power.

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# APPENDIX

## PARLIAMENTS OF ENGLAND

(Listed according to the regnal year and the date of the first session of each Parliament)

15	John	1213	15	Edward II	1322
10	Henry III	1226	16	"	1322
38	"	1254	17	"	1323-4
45	"	1261	18	"	1324
49	"	1264-5	19	"	1325
3	Edward I	1275	20	"	1326-7
11	"	1282-3	1	Edward III	1327
11	"	1283	2	"	1327-8
18	"	1290	2	"	1328
22	"	1294	2	"	1328
23	"	1295	2 & 3	"	1328-9
24	"	1296	4	"	1329-30
25	"	1297	4	"	1330
26	"	1298	5	"	1331
28	"	1299-1300	5	"	1331
28	"	1300	6	"	1331-2
29	"	1300-1	6	"	1332
30	"	1302	6	"	1332
33	"	1304-5	8	"	1333-4
34	"	1306	8	"	1334
35	"	1306-7	9	"	1335
1	Edward II	1307	10	"	1335-6
1	"	1307-8	10	"	1336
2	"	1309	10	"	1336-7
5	"	1311	11	"	1336-7
5	"	1311	11	"	1337
5	"	1311-12	12	"	1337-8
6	"	1312	12	"	1338
6	"	1312-13	12 & 13	"	1338-9
7	"	1313	13	"	1339
7	"	1313	13	"	1339-40
7	"	1314	14	"	1340
8	"	1314	14	"	1340
8	"	1314-15	15	"	1341
9	"	1315-16	16	"	1342
9	"	1316	17	"	1343
10	"	1316	18	"	1344
11	"	1318	20	"	1346
12	"	1318	21	"	1347-8
12	"	1319	22	"	1348
14	"	1320	22	"	1348-9
15	"	1321	25	"	1350-1

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25	Edward III	1351-2	3	Henry IV	1401-2
26	"	1352	3	"	1402
27	"	1353	5	"	1403
28	"	1354	6	"	1404
29	"	1355	7	"	1405-6
31	"	1357	9	"	1407
32	"	1357-8	11	"	1409-10
34	"	1361	13	"	1411
34	"	1361-1	14	"	1412-13
36	"	1362	1	Henry V	1413
37	"	1363	2	"	1413-14
38	"	1364-5	2	"	1414
40	"	1366	3	"	1415
42	"	1368	3	"	1415-16
43	"	1369	4	"	1416
45	"	1370-1	5	"	1417
45	"	1371	7	"	1419
46	"	1372	8	"	1420
47	"	1373	9	"	1421
50	"	1375-6	9	"	1421
51	"	1376-7	1	Henry VI	1422
1	Richard II	1377	2	"	1423
2	"	1378	3	"	1425
2	"	1379	4	"	1425-6
3	"	1379-80	6	"	1427
4	"	1380	8	"	1429
5	"	1381	9	"	1430-1
5	"	1382	10	"	1432
6	"	1382	11	"	1433
6	"	1382-3	14	"	1435
7	"	1383	15	"	1436-7
7	"	1384	18	"	1439
8	"	1384	20	"	1441-2
9	"	1385	23	"	1444-5
10	"	1386	25	"	1446-7
11	"	1387-8	27	"	1448-9
12	"	1388	28	"	1449
13	"	1389-90	29	"	1450
14	"	1390	31	"	1452-3
15	"	1391	33	"	1455
16	"	1392	38	"	1459
16	"	1392-3	39	"	1460
17	"	1393-4	1	Edward IV	1461
18	"	1394-5	3	"	1462-3
20	"	1396-7	7	"	1467
21	"	1397-8	9	"	1469
23	"	1399	10	"	1470
1	Henry IV	1399	12	"	1472
2	"	1400-1	17	"	1477-8

## Appendixes

22	Edward IV	1482-3	39	Elizabeth I	1597
1	Richard III	1483-4	43	"	1601
1	Henry VII	1485	1	James I	1603-4
3	"	1487	12	"	1614
7	"	1491	18	"	1620-1
11	"	1495	21	"	1623-4
12	"	1496-7	1	Charles I	1625
1	Henry VIII	1509-10	1	"	1625-6
3	"	1511-12	3	"	1627-8
6	"	1514-15	16	"	1640
14	"	1523	16	" (Long	
21	"	1529		Parliament)	1640
28	"	1536		Interregnum	1653
31	"	1539		"	1654
33	"	1541-2		"	1656
37	"	1545		"	1658-9
1	Edward VI	1547		"	1659
7	"	1552-3	12	Charles II	1660
1	Mary	1553	13	" (The Pen-	
1	"	1554		sionary Parliament)	1661
1 & 2	Philip and Mary	1554	31	Charles II	1678-9
2 & 3	"	1555	31	"	1679
4 & 5	"	1557-8	33	"	1680-1
1	Elizabeth I	1558-9	1	James II	1685
5	"	1562-3		Convention	1688-90
13	"	1571	2	William and Mary	1689-90
14	"	1572	7	William III	1695
27	"	1584	10	"	1698
28	"	1586	12	"	1700-1
30 & 31	"	1588-9	13	"	1701
35	"	1592-3	1	Anne	1702

## PARLIAMENTS OF GREAT BRITAIN

4	Anne	1705	21	George II	1747
7		1708	27	"	1754
9		1710	1	George III	1761
12		1713	8	"	1768
1	George I	1714-15	15	"	1774
8	"	1722	21	"	1780
1	George II	1727	24	"	1784
8	"	1734	30	"	1790
15	"	1741	36	"	1796

# Appendixes

## PARLIAMENTS OF THE UNITED KINGDOM

41	George III	1801	49	Victoria	1886
42	"	802-3	49	"	1886
47	"	806-7	56	"	1892
48	"	807-8	59	"	1895
53	"	812-13	64	"	1900
59	"	819	6	Edward VII	1906
1	George IV	820	10	" George V }	1910
7	"	1826	1	& 2	1911
1	William IV	1830-1	9	& 10	1919
2	"	1831	13	& 14	1922-3
4	"	1833	14	& 15	1924
6	"	1835	15	& 16	1924-5
1	Victoria	1838	20	& 21	1929-3
4	"	1841	22	& 23	1931-2
10	"	1847	26	"	1935-6
15	"	1852	9	& 10	George VI
20	"	1857	14	"	1945-6
22	"	1859	15	& 16	"
29	"	1866	1	Elizabeth II }	1951-2
32	"	1868 9	4	"	1955
37	"	1874			
43	"	1880			

APPENDIX 2

MINISTERS' SALARIES

Country	Salary	Allowances	Other privileges	Remarks
United Kingdom	Prime Minister £10,000 Cabinet Mins. £5,000 Mins. of State £3,750 Parl. Secs. £2,500		Part of P.M.'s salary is tax-free.	Ministers in the House of Commons receive £750 of their parl. salary in addition.
Canada	Prime Minister \$25,000 Others \$15,000	Car \$2,000 (for all Ministers)	Also receive indemnity and expense allowance (\$8,000 plus \$2,000 as M.P.s).	Income Tax payable except on car allowance.
Commonwealth of Australia	Prime Minister £A4,000 Treasurer £A2,500 Senior Mins. £A2,178 Ministers £A1,750	Entertainment £A3,500 Expense £A1,000 Expense £A1,000 Expense £A1,000	Travelling allowance £A8 8s. a day while away from home town (£A10 10s. for P.M.).	Tax payable on salary and allowances. All receive further £A2,350 as M.P.s.
New Zealand	Prime Minister £3,750 Ministers £2,500 Ministers without Portfolio £2,000	Expense £1,500 Expense £550 Expense £450	Ministers without official residence receive allowance of £300.	Allowances (except house allowance) are tax-free, but not salaries.



# Appendixes

## MINISTERS' SALARIES—continued

Country	Salary	Allowances	Other privileges	Remarks
South Africa	Prime Minister £5,000 Others £4,000			£1,200 of P.M.'s salary exempt from Income Tax.
India	Prime Minister and others of Cabinet rank £1,416	Expense £450	Furnished house rent-free.	
Pakistan	Prime Minister £3,600 Others £3,600	Expense £1,800 Contract £3,000 Expense £360	Official car. Rent-free furnished house. Larger travel allowances than ordinary members.	Tax payable.
Ceylon	Prime Minister £1,350 Others £1,350	Entertainment £1,350 Entertainment £450	Members' hostel provides cheap but comfortable accommodation.	Entertainment allowance is tax-free.
Federation of Rhodesia and Nyasaland	Prime Minister £4,000 Others £3,250	£1,000 £500		Allowance is tax-free.

SPEAKERS' SALARIES

Country	Salary	Allowances	Remarks
United Kingdom	Speaker	All three receive an additional £750 of their parliamentary salaries.	Speaker has official residence. Part of his salary is tax-free.
	Deputy Speaker		
	Deputy Chairman		
Canada		£5,000	
	Speaker	\$9,000	Rail free; car and residence allowance not taxable. All three receive the sessional allowance (\$8,000) and expense allowance of members.
	Deputy Speaker	\$6,000	
	Deputy Chairman	nil	
Commonwealth of Australia	Speaker	£A1,750	Speaker draws additional £A2,350 as an M.P.
	Chairman of Committees	nil	Chairman draws £A2,350 as M.P.
New Zealand	Speaker	Expense £600	Allowance tax-free.
	Chairman of Committees	Expense £500	

# Appendixes

## SPEAKERS' SALARIES—continued

Country	Salary	Allowances	Remarks
South Africa	Speaker Chairman of Committees £3,000 £1,900 £1,600		£1,200 of salary tax-free.
India	Deputy Chairman Speaker £2,700	Expense	Furnished house rent-free and daily residence allowance of £3.
Pakistan	President £3,750	Expense	Tax payable.
Ceylon	Speaker £1,350	Entertainment	Tax payable.
Federation of Rhodesia and Nyasaland	Speaker £1,750	Entertainment	Allowance tax-free.

MEMBERS' SALARIES

<i>Country</i>	<i>Salary</i>	<i>Allowances, etc.</i>	<i>Remarks</i>
United Kingdom	M.P.s £1,750 Leader of Opposition £3,000 plus £750 of his parliamentary salary.	Free travel on parliamentary business. Peers receive allowance of £3 3s. for each day's attendance.	Tax payable on total emoluments. Letters to govt. depts. and local London calls free.
Canada	M.P.s, \$8,000 sessional indemnity per session over 65 calendar days. Leader of Opposition \$15,000	Expense, \$2,000. Local calls free. Leader of Opposition receives same sessional indemnity and expense allowances as other M.P.s.	Deductions for absences. Expense allowance tax-free except for Leader of Opposition.
Commonwealth of Australia	M.P.s £A2,350  Leader of Opposition £A1,750  Senators £A2,350	Constituency expenses £A600 p.a. in city and £A800 in country constituencies. £A3 13s. 6d. a day living expenses while at Canberra. Free rail and air travel during sessions. Expense £A1,000 Expense £A700	Tax payable on salary and allowances.  Leader of Opposition draws further £A2,350 as M.P.
New Zealand	M.P.s £1,100  Leader of Opposition £1,950	Expense, £275-£705. Accommodation, £150, if residing away from Wellington. Free rail travel and certain number of air journeys. Electoral expenses from £75 to £150 paid. Expense £400 plus £215 travel allowance.	Allowances tax-free.

MEMBERS' SALARIES—continued

Country	Salary	Allowances, etc.	Remarks
South Africa	M.P.s £1,400	Free rail travel and air fares at special rates. Parliamentary correspondence franked, local calls free, also trunk calls up to 6 minutes a week. Allowance £1,300	£700 tax-free.
Ceylon	Leader of Opposition £1,400	Allowance £1,300	£1,080 tax-free.
India	M.P.s, £3 a day consolidated allowance during sessions.	Cost of travel on parliamentary business refunded on basis of road or rail travel.	Deductions for absence. No free telephone or other postal facilities.
Pakistan	M.P.s, £4 13s. 9d. a day consolidated allowance during sessions.	Air travel free on basis of rail fare plus 60%.	No free telephone or other postal facilities and no tax exemptions.
Ceylon	M.P.s £540	Air or rail travel free on parliamentary business.	£270 tax-free, free postage on state business, free trunk and local calls.
Federation of Rhodesia and Nyasaland	M.P.s £1,200	Subsistence £250 to members living more than 25 miles from Salisbury. Constituency allowance according to area (£50-£200 p.a.). Free travel on parliamentary business.	Allowances tax-free. Free post and telegraph service on public business, free trunk and local calls.

### APPENDIX 3

#### LIST OF COMMONWEALTH AND COLONIAL GIFTS TO THE NEW HOUSE OF COMMONS

ADEN	Members' writing-room table
AUSTRALIA	Speaker's Chair
BAHAMAS	Minister's writing-desk and chair
BARBADOS	Minister's writing-desk and chair
BASUTOLAND	Two silver-gilt ashtrays
BECHUANALAND	One silver-gilt ashtray
BERMUDA	Two triple silver-gilt inkstands
BRITISH GUIANA	Four triple silver-gilt inkstands
BRITISH HONDURAS	Minister's writing-desk and chair and royal coat of arms
CANADA	Table of the House
CEYLON	Serjeant-at-Arms's chair
CYPRUS	Members' writing-room table
DOMINICA	One silver-gilt inkstand
FALKLAND ISLANDS	One silver-gilt ashtray
FIJI	One silver-gilt inkstand
GAMBIA	Two silver-gilt ashtrays
GIBRALTAR	Two oak table-lamps with bronze shades
GOLD COAST	Minister's writing-desk and chair
GRENADA	One silver-gilt inkstand
GUERNSEY	Minister's writing-desk and chair
HONG KONG	One triple silver-gilt inkstand
INDIA	One doorway to new Chamber
ISLE OF MAN	One silver-gilt inkstand and two silver-gilt ashtrays for Prime Minister's Conference Room
JAMAICA	Bar of the House
JERSEY	Minister's writing-desk and chair
KENYA	Minister's writing-desk and chair
LEEWARD ISLANDS	Six oak table-lamps with bronze shades
MALAYA	Minister's writing-desk and chair
MALTA	Three silver-gilt ashtrays
MAURITIUS	Minister's writing-desk and chair
NEWFOUNDLAND	Six chairs for Prime Minister's Conference Room
NEW ZEALAND	Two despatch boxes
NIGERIA	Furniture for one Division Lobby
NORTH BORNEO	One table and five chairs for Interview Room
NORTHERN IRELAND	Three Chamber clocks
NORTHERN RHODESIA	Two pairs of brackets for the Mace
NYASALAND	One triple silver-gilt inkstand and one silver-gilt ashtray
PAKISTAN	One doorway to new Chamber
ST. HELENA	One Chairman's chair for Prime Minister's Room

## Appendixes

ST. LUCIA	One silver-gilt inkstand
ST. VINCENT	One silver-gilt ashtray
SEYCHELLES	Minister's writing-desk and chair
SIERRA LEONE	Minister's writing-desk and chair
SINGAPORE	One table and five chairs for Interview Room
SOUTH AFRICA	Three chairs for Table of the House
SOUTHERN RHODESIA	Two silver-gilt inkstands for Chamber
SWAZILAND	One silver-gilt ashtray
TANGANYIKA	One table and five chairs for
TRINIDAD	Minister's writing-desk and
UGANDA	Furniture for one Division Lobby
ZANZIBAR	One silver-gilt ashtray

# APPENDIX 4

## 10 CHANCELLORS AND KEEPERS OF THE GREAT SEAL

1067	Maurice, Bishop of London	1268	John Chishull
1068	Herfast	1269	Richard Middleton
1070	Osbern, Bishop of Exeter	1272	John Kirkeby
1073	Osmund, Bishop of Salisbury	1272	Walter de Merton
1078	Maurice, Bishop of London	1273	Robert Bunnell
1083	William de Beaufeu	1292	John Langton
1086	William Giffard	1302	William Greenfield
1090	Robert Bloet	1304	William Hamilton
1093	Waldric	1307	Ralph de Baldock
1094	William Giffard	1307	John Langton
1101	Roger, Bishop of Salisbury	1310	Walter Reynolds
1103	William Giffard	1314	John Sandall
1104	Waldric	1318	John Hotham
1107	Ranulf	1320	John Salmon
1124	Geoffrey Rufus	1323	Robert de Baldock
1135	Roger of Salisbury	1327	John Hotham
1139	Philip	1327	Henry de Clyff
1142	Theobald, Archbishop of Canterbury	1327	Henry de Burghersh
1154	Thomas à Becket	1340	John Stratford
1173	Ralph de Warneville	1334	Richard Bury
1182	Geoffrey Plantagenet	1335	John Stratford
1189	William de Longchamp	1337	Robert Stratford
1197	Eustace, Bishop of Ely	1338	Richard Byntherworth
1199	Hubert Walter	1340	Archbishop Stratford
1205	Walter de Grey	1340	Robert Stratford
1213	Peter des Roches	1340	William Kildesby
1214	Walter de Grey	1340	Sir Robert Bouchier
1214	Richard de Marisco	1341	Sir Robert Parnyng
1226	Ralph Neville	1343	Robert Sadyngton
1238	Simon de Cantilupe	1345	John Ufford
1240	Richard, Abbot of Evesham	1349	John Thoresby
1242	Silvester of Eversden	1356	William Edington
1246	John Mansel	1363	Simon Langham
1250	William de Kilkenny	1367	William of Wykeham
1255	Henry Wingham	1371	Sir Robert Thorpe
1258	Walter de Merton	1372	Sir Richard Scrope
1260	Nicholas of Ely	1372	Sir John Knyvett
1261	Walter de Merton	1377	Adam Houghton
1263	Nicholas of Ely	1378	Sir Richard Scrope
1265	Thomas de Cantilupe	1379	Simon of Sudbury
1265	Walter Gifford	1381	Richard, Earl Arundel
1266	Godfrey Gifford	1382	Robert Braybrook
		1383	Sir Michael de la Pole



## Appendixes

1386	Thomas Arundel, Archbishop of Canterbury	1587	Sir Christopher Hatton
1389	William of Wykeham	1591	Lord Burghley
1391	Archbishop Arundel	1592	Sir John Puckering
1396	Edmund Stafford	1596	Sir Thomas Egerton
1399	Archbishop Arundel	1617	Sir Francis Bacon
1399	John Scarle	1621	John Williams
1401	Edmund Stafford	1625	Sir Thomas Coventry
1403	Henry Beaufort	1640	Sir John Finch
1405	Thomas Langley	1643	Sir Edward Littleton
1407	Archbishop Arundel	1645	Sir Richard Lane
1410	Earl of Dorset	1649-60	Great Seal in Commission
1412	Archbishop Arundel	1660	Sir Edward Hyde
1413	Henry Beaufort	1667	Sir Orlando Bridgeman
1417	Bishop Longley	1672	Earl of Shaftesbury
1422	Simon Ganstede	1672	Sir Heneage Finch
1424	Henry Beaufort	1682	Sir Francis North
1426	John Kemp	1685	Lord Jeffreys
1432	John Stafford	1689-93	Great Seal in Commission
1450	John Kemp	1693	Sir John Somers
1454	Earl of Salisbury	1700	Sir Nathan Wright
1455	Thomas Bouchier	1705	William Cowper
1456	William of Waynflete	1710	Sir Simon Harcourt
1460	Thomas Bouchier	1714	Lord Cowper (formerly William Cowper)
1460	George Neville	1718	Lord Parker
1467	Robert Stillington	1725	Lord King
1470	George Neville	1733	Lord Talbot of Hensol
1471	Robert Stillington	1737	Lord Hardwicke
1473	Earl of Essex	1757	Sir Robert Henley (the last Lord Keeper)
1473	Laurence Booth	1766	Lord Camden
1474	Thomas Rotherham	1770	Lord Morden
1475	John Alcock (Chancellor from April to September in absence of Rotherham)	1771	Lord Apsley
1483	John Russell	1778	Lord Thurlow
1485	John Alcock	1793	Lord Loughborough
1486	John Morton	1801	Lord Eldon
1500	Henry Deane	1806	Lord Eiskine
1502	William Wareham	1807	Lord Eldon
1525	Cardinal Wolsey	1827	Lord Lyndhurst
1529	Sir Thomas More	1830	Lord Brougham
1532	Sir Thomas Audley	1834	Lord Lyndhurst
1544	Lord Wriothesley	1836	Lord Cottenham
1547	Lord St. John	1841	Lord Lyndhurst
1551	Thomas Goodrich	1846	Lord Cottenham
1553	Stephen Gardiner	1850	Lord Truro
1556	Nicholas Heath	1852	Lord Leonards
1558	Sir Nicholas Bacon	1852	Lord Crayworth
1579	Sir Thomas Bromley	1858	Lord Chelmsford
		1859	Lord Campbell

## Appendixes

1861	Lord Westbury	1915	Lord Buckmaster
1865	Lord Cranworth	1916	Lord Finlay
1866	Lord Chelmsford	1919	Lord Birkenhead
1868	Lord Cairns	1922	Lord Cave
1868	Lord Hatherley	1924	Lord Haldane
1871	Lord Selborne	1924	Lord Cave
1874	Earl Cairns	1928	Lord Hailsham
1880	Earl Selborne	1929	Lord Sankey
1885	Lord Halsbury	1935	Lord Hailsham
1886	Lord Herschell	1937	Lord Maugham
1886	Lord Halsbury	1939	Lord Caldecote
1892	Lord Herschell	1940	Lord Simon
1895	Lord Halsbury	1945	Lord Jowitt
1905	Lord Loreburn	1951	Lord Simonds
1912	Lord Haldane	1954	Lord Kilmuir

# APPENDIX 5

## PRESIDING OFFICERS AND SPEAKERS OF THE HOUSE OF COMMONS

1258	Peter de Montfort	1412	Speaker unknown
1327	William Trussell	1413 (May-June)	William Stourton
1332 (March)	Henry Beaumont	1413 (June)	John Dorewood
1332 (Sept.)	Sir Geoffrey Le Scrope	1414 (May)	Sir Walter Hungerford
1340	William Trussell	1414	Thomas Chaucer
1343	William Trussell again	1415 (Nov.)	Richard Redman or Redmayne
1347-8	William de Thorpe	1416 (Mar.-May)	Sir Walter Beauchamp
1351-2	William de Shareshull	1416-19	Roger Flower
1376	Sir Peter de la Mare	1420	Roger Hunt
1377 (Jan.-Mar.)	Sir Thomas Hungerford (the first to be designated Speaker)	1421	Thomas Chaucer
1377 (Oct.-Nov.)	Sir Peter de la Mare	1421	Richard Baynard
1378 (Oct.-Nov.)	Sir James Pickering	1422 (Nov.-Dec.)	Roger Flower
1380	Sir John Guildesborough	1423-4	Sir John Russell
1381-2	Sir Richard Waldegrave	1425 (May-July)	Sir Thomas Walton or Wauton
1383-90	Sir James Pickering (during these years the records are defective and this Speaker's service might not have been unbroken)	1426 (Feb.-June)	Sir Richard Vernon
1394-8	Sir John Bussy	1427-8	Sir John Tyrrell
1399 (Oct.)	Sir John Cheyne or Cheney	1429-30	William Alington
1399 (Oct.-Nov.)	John Dorewood	1431 (Jan.-Mar.)	Sir John Tyrrell
1401 (Jan.-Mar.)	Sir Arnold Savage	1432 (May-July)	Sir John Russell
1402 (Oct.-Nov.)	Sir Henry Redford	1433 (July-Dec.)	Roger Hunt
1404 (Jan.-Apr.)	Sir Arnold Savage	1435 (Oct.-Dec.)	John Bowes
1404 (Oct.-Nov.)	Sir William Sturmy or Esturmy	1437 (Jan.-Mar.)	Sir John Tyrrell
1406	Sir John Tiptoft	1437 (Mar.)	William Burley or Boerley
1407-11	Thomas Chaucer	1439-42	William Tresham
		1445 (Feb.-Apr.)	William Burley

## Appendixes

1447 (Feb.-Mar.)	William Tresham	1539-40	Sir Nicholas Hare
1449 (Feb.-July)	Sir John Say	1542-4	Sir Thomas Moyle
1449 (Nov. 8th)	Sir John Popham	1545-52	Sir John Baker
1449-50	William Tresham	1553 (March)	Sir James Dyer
1450-1	Sir William Oldhall	1553 (Oct.-Dec.)	Sir John Pollard
1453-4	Thomas Thorpe	1554 (Apr.-May)	Sir Robert Brooke
1454 (Feb.-Apr.)	Sir Thomas Charlton	1554-5	Sir Clement Heigham
1455-6	Sir John Wenlock	1555 (Oct.-Dec.)	Sir John Pollard
1459 (Nov.-Dec.)	Sir Thomas Tresham	1558 (Jan.-Nov.)	Sir William Cordell
1460 (Oct.)	John Green	1559 (Jan.-May)	Sir Thomas Gargrave
1461-2	Sir James Strangeways	1563 (Jan.-Apr.)	Thomas Williams
1463-8	Sir John Say	1566-7	Richard Onslow
1469-71	No particulars known	1571 (Apr.-May)	Sir Christopher Wray
1472-8	William Alington	1572-6	Sir Robert Bell
1483 (Jan.-Feb.)	John Wood or Wode	1581-3	Sir John Popham
1484 (Jan.-Feb.)	William Catesby	1584-7	Sir John Puckeridge
1485-6	Sir Thomas Lovell	1589 (Feb.-Mar.)	Thomas Snagge
1487	Sir John Mordaunt	1593 (Feb.-Apr.)	Sir Edward Coke
1489-90	Sir Thomas Fitzwilliam	1597-8	Sir Christopher Yelverton
1491-2	Sir Richard Empson	1601 (Oct.-Dec.)	Sir John Croke
1495	Sir Robert Drury	1604-11	Sir Edward Phelips
1496 (Oct.)	Sir Reginald Bray (not a Speaker in the true sense of the word as he pre- sided over a Great Council rather than a Parliament)	1614 (Apr.-June)	Sir Randolph Crewe
1497	Sir Thomas Englefield or Inglefield	1621-2	Sir Thomas Richardson
1504	Edmond Dudley	1624-5	Sir Thomas Crewe
1510 (Jan.-Feb.)	Sir Thomas Englefield	1626 (Feb.-June)	Sir Heneage Finch
1512-13	Sir Robert Sheffield	1628-9	Sir John Finch
1515 (Feb.-Dec.)	Sir Thomas Nevill	1640 (Apr.-May)	Sir John Glanville
1523 (Apr.-Aug.)	Sir Thomas More	1640-7	William Lenthall
1529-33	Sir Thomas Audley	1647 (July-Aug.)	Henry Pelham
1533-6	Sir Humphrey Wingfield	1647-53	William Lenthall
1536 (June-July)	Sir Richard Rich	1653 (July-Dec.)	Rev. Francis Rous
		1654-;	William Lenthall
		1656-8	Sir Thomas Widdrington

## Appendixes

1657	Bulstrøpe Whitelocke (appointed <i>pro tem.</i> during absence of Widdrington through indisposition)	1698-1700	Sir Thomas Littleton
1659 (Jan.-Mar.)	Chaloner Chute	1701-5	Robert Harley
1659 (March)	Sir Lislebone Long	1705-8	John Smith
1659 (Mar.-Apr.)	Thomas Bampfyne	1708-10	Sir Richard Onslow
1659-60	William Lenthall	1710-13	William Bromley
1660 (Jan.)	William Say (appointed <i>pro tem.</i> during Lenthall's absence)	1714-15	Sir Thomas Hanmer
1660 (Apr.-Dec.)	Sir Harbottle Grimston	1715-27	Sir Spencer Compton
1661-71	Sir Edward Turnour	1728-61	Arthur Onslow
1673 (Feb.)	Sir Job Charlton	1761-70	Sir John Cust
1673-8	Sir Edward Seymour	1770-80	Sir Fletcher Norton
1678 (Apr.-May)	Sir Robert Sawyer	1780-9	Charles Cornwall
1678-9	Sir Edward Seymour	1789 (Jan.-June)	William Wyndham Grenville
1679 (Mar.-July)	Sir William Gregory	1789-1801	Henry Addington
1680-1	Sir William Williams	1801-2	Sir J. Mitford
1685-7	Sir John Trevor	1802-17	C. Abbot
1689 (Jan.-Feb.)	Henry Powle	1817-34	C. Manners-Sutton
1690-5	Sir John Trevor	1835-9	J. Abercromby
1695-8	Paul Foley	1839-57	C. Shaw-Lefevre
		1857-72	J. E. Denison
		1872-84	H. B. W. Brand
		1884-95	A. W. Peel
		1895-1905	W. C. Gully
		1905-21	J. W. Lowther
		1921-8	J. H. Whiteley
		1928-43	E. A. FitzRoy
		1943-51	D. Clifton-Brown
		1951-	W. S. Morrison

# APPENDIX 6

## CLERKS OF THE HOUSE OF COMMONS

1363	Robert de Melton	1678	William Goldesbrough the younger
1385	John de Scardeburgh	1683	Paul Jodrell
1414	Thomas Haseley	1727	Edward Stables
1440	John Dale	1732	Nicholas Hardinge
1461	Thomas Bayen	1748	Jeremiah Dyson
1503 (?)	Thomas Hylton	1762	Thomas Tyrwhitt
1510	William Underhill	1768	John Hatsell
1515	Richard Urmoston or Ormoston	1820	J. H. Ley
1548	John Seymour	1850	Sir D. Le Marchant
1567	Fulk Onslow	1871	Sir T. Erskine May
1603-11	Ralph Ewens	1886	Sir R. F. D. Palgrave
1613	John Wright	1900	A. J. S. Milman
1640	Henry Elsynge	1902	Sir C. P. Ilbert
1649	Henry Scobell (later Clerk of the Parliament)	1921	Sir T. L. Webster
1658	John Smythe	1930	Sir H. Dawkins
1658	Thomas St. Nicholas	1937	Sir G. Champion
1660	William Jessop	1948	Sir F. Metcalfe
1661	William Goldesbrough the elder	1954	Sir E. Fellowes

## PRIME MINISTERS OF THE COMMONWEALTH

## PRIME MINISTERS OF GREAT BRITAIN

1721	Sir Robert Walpole	1855	Viscount Palmerston
1742	Earl of Wilmington	1858	Earl of Derby
1743	Henry Pelham	1859	Viscount Palmerston
1754	Duke of Newcastle	1865	Earl Russell (formerly Lord John Russell)
1756	Duke of Devonshire	1866	Earl of Derby
1757	Duke of Newcastle	1868	B. Disraeli
1762	Earl of Bute	1868	W. E. Gladstone
1763	George Grenville	1874	B. Disraeli
1765	Marquess of Rockingham	1880	W. E. Gladstone
1766	Earl of Chatham	1885	Marquess of Salisbury
1767	Duke of Grafton	1886	W. E. Gladstone
1770	Lord North	1886	Marquess of Salisbury
1782	Marquess of Rockingham	1892	W. E. Gladstone
1782	Earl of Shelburne	1894	Earl of Rosebery
1783	Duke of Portland	1895	Marquess of Salisbury
1783	William Pitt	1902	A. J. Balfour
1801	H. Addington	1905	Sir H. Campbell-Bannerman
1804	William Pitt	1908	H. H. Asquith
1806	Lord Grenville	1916	D. Lloyd George
1807	Duke of Portland	1922	A. Bonar Law
1809	S. Perceval	1923	Stanley Baldwin
1812	Earl of Liverpool	1924	J. Ramsay MacDonald
1827	G. Canning	1924 (Nov.)	Stanley Baldwin
1827	Viscount Goderich	1929	J. Ramsay MacDonald
1828	Duke of Wellington	1935	Stanley Baldwin
1830	Earl Grey	1937	Neville Chamberlain
1834	Viscount Melbourne	1940	Winston Churchill
1834	Sir Robert Peel	1945	C. R. Attlee
1835	Viscount Melbourne	1951	Sir Winston Churchill
1841	Sir Robert Peel	1955	Sir Anthony Eden
1846	Lord John Russell	1957	Harold Macmillan
1852	Earl of Derby		
1852	Earl of Aberdeen		

## PRIME MINISTERS OF AUSTRALIA

1901	Sir E. Barton	1908	A. Fisher
1903	A. Deakin	1909	A. Deakin
1904	J. C. Watson	1910	A. Fisher
1904	Sir G. Reid	1913	Sir J. Cook
1905	A. Deakin	1914	A. Fisher

## Appendixes

1915	W. M. Hughes	1941	A. W. Fadden
1923	S. M. Bruce	1941	J. Curtin
1929	J. H. Scullin	1945	F. M. Forde
1932	J. A. Lyons	1945	J. B. Chifley
1939	E. C. G. Page	1949	R. G. Menzies
1939	R. G. Menzies		

### PRIME MINISTERS OF CANADA

1867	Sir J. A. Macdonald	1920	A. Meighen
1873	A. MacKenzie	1922	W. L. MacKenzie King
1878	Sir J. A. Macdonald	1926	A. Meighen
1891	Sir J. Abbott	1926	W. L. MacKenzie King
1892	Sir J. Thompson	1930	R. B. Bennett
1894	Sir M. Bowell	1935	W. L. MacKenzie King
1896	Sir C. Tupper	1948	L. S. St. Laurent
1896	Sir W. Laurier	1957	J. G. Diefenbaker
1911	Sir R. Borden		

### PRIME MINISTERS OF CEYLON

1948	Don S. Senanayake	1953	Sir J. Kotelawala
1952	Dudley S. Senanayake	1956	S. W. R. D. Bandaranaike

### PRIME MINISTER OF GHANA

1957 Kwame Nkrumah

### PRIME MINISTER OF INDIA

1947 Shri Jawaharlal Nehru

### PRIME MINISTER OF MALAYA

1957 Tunku Abdul Rahman

### PRIME MINISTERS OF NEW ZEALAND

1856	H. Sewell	1873	W. Fox
1856	W. Fox	1873	J. Vogel
1856	E. W. Stafford	1875	D. Pollen
1861	W. Fox	1876	Sir J. Vogel
1862	A. Domett	1876	H. A. Atkinson
1863	F. Whitaker	1877	Sir G. Grey
1864	F. A. Weld	1879	J. Hall
1865	E. W. Stafford	1882	F. Whitaker
1869	W. Fox	1883	H. A. Atkinson
1872	E. W. Stafford	1884	R. Stout
1872	G. M. Waterhouse	1884	H. A. Atkinson



## Appendixes

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1884	Sir R. Stout	1925	J. G. Coates
1887	Sir H. A. Atkinson	1928	Sir J. G. Ward
1891	J. Ballance	1930	G. W. Forbes
1893	R. J. Seddon	1935	M. J. Savage
1906	W. Hall-Jones	1940	P. Fraser
1906	Sir J. G. Ward	1949	S. G. Holland
1912	T. Mackenzie	1957	K. Holyoake
1912	W. F. Massey	1957	W. Nash
1925	Sir F. Bell		

### PRIME MINISTERS OF PAKISTAN

1947	Liaquat Ali Khan	1956	Huseyn Shaheed Suhrawardy
1951	Khawaja Nazimuddin	1957	I. I. Chundrigar
1953	Mohammed Ali	1958	Malik Phan Noon
1955	Chaudri Mohamad A		

### PRIME MINISTERS OF THE FEDERATION OF RHODESIA AND NYASALAND

1953	Sir Godfrey Huggins (afterwards Viscount Malvern)	1956	Sir Roy Welensky
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### PRIME MINISTERS OF SOUTH AFRICA

1910	L. Botha	1939	J. C. Smuts
1919	J. C. Smuts	1948	D. F. Malan
1924	J. B. M. Hertzog	1954	J. G. Strijdom

# APPENDIX 8

## LORDS HIGH ADMIRAL AND FIRST LORDS OF THE ADMIRALTY

When no High Admiral is mentioned the office is in commission and there is a First Lord. Prior to these lists, the office was in commission on two occasions only, and then the office now known as that of First Lord was filled by (1) Lord Weston, 1628-36 and (2) W. Juxton, Bishop of London, 1636-8. Between 1638 and 1660, the office was held either by a Lord High Admiral or a Parliamentary Committee.

1660	James, Duke of York (Lord High Adm.)	1748	Earl of Sandwich
1673	King Charles II	1751	Lord Anson
1673	Prince Rupert	1756	Earl Temple
1679	Sir Henry Capell	1757	Earl of Winchelsea & Nottingham
1680	D. Finch	1757	Lord Anson
1684	King Charles II (Lord High Adm.)	1762	Earl of Halifax
1685	King James II (Lord High Adm.)	1762	George Grenville
1689	A. Herbert	1763	Earl of Sandwich
1690	Earl of Pembroke & Montgomery	1763	Earl of Egmont
1692	Lord Cornwallis	1766	Sir Charles Saunders
1693	Viscount Falkland	1766	Sir Edward Hawke
1694	Adm. E. Russell	1771	Earl of Sandwich
1699	Earl of Bridgwater	1782	Adm. Keppel
1701	Earl of Pembroke & Montgomery	1783	Viscount Howe
1702	Earl of Pembroke & Montgomery (Lord High Adm.)	1783	Viscount Keppel
1702	Prince George of Denmark (Lord High Adm.)	1783	Viscount Howe
1708	Earl of Pembroke & Montgomery (Lord High Adm.)	1788	Earl of Chatham
1709	Earl of Orford	1794	Earl Spencer
1710	Adm. Sir John Leake	1801	Earl of St. Vincent
1712	Earl of Strafford	1804	Viscount Melville
1714	Earl of Orford	1805	Lord Barham
1717	Earl of Berkeley	1806	C. Grey
1727	Viscount Torrington	1806	T. Grenville
1733	Sir Charles Wager	1807	Lord Mulgrave
1742	Earl of Winchelsea & Nottingham	1810	C. Yorke
1744	Duke of Bedford	1812	Viscount Melville
		1827	Duke of Clarence (Lord High Adm.)
		1828	Viscount Melville
		1830	Sir J. R. G. Graham
		1834	Lord Auckland
		1834	Earl de Grey
		1835	Lord Auckland
		1835	Earl of Minto

## Appendixes

1841	Earl of Haddington	1911	Winston Churchill
1846	Earl of Ellenborough	1915	A. J. Balfour
1846	Earl of Auckland	1916	Sir E. Carson
1849	Sir F. T. Baring	1917	Sir E. C. Gêddes
1852	Duke of Northumberland	1919	W. H. Long
1853	Sir J. R. G. Graham	1921	Lord Lee of Fareham
1855	Sir C. Wood	1922	L. S. Amery
1858	Sir J. S. Pakington	1924	Viscount Chelmsford
1859	Duke of Somerset	1924	W. C. Bridgeman
1866	Sir J. S. Pakington	1929	A. V. Alexander
1867	H. T. L. Curry	1931	Sir Austen Chamberlain
1868	H. C. E. Childers	1931	Sir B. M. E. Moßsell
1871	G. J. Goschen	1936	Sir S. Hoare
1874	G. Ward Hunt	1937	A. Duff Cooper
1877	W. H. Smith	1938	Earl of Stanhope
1880	Earl of Northbrook	1939	Winston Churchill
1885	Lord George Hamilton	1940	A. V. Alexander
1886	Marquess of Ripon	1945	Brendan Bracken
1886	Lord George Hamilton	1945	A. V. Alexander
1892	Earl Spencer	1946	G. H. Hall
1895	G. J. Goschen	1951	Lord Pakenham
1900	Earl of Selborne	1951	J. P. L. Thomas (afterwards Viscount Cilcennin)
1905	Earl Cawdor	1956	Viscount Hailsham
1905	Lord Tweedmouth	1957	Earl of Selkirk
1908	R. McKenna		

## APPENDIX 9

### MINISTERS OF AGRICULTURE, FISHERIES, AND (SINCE 1955) FOOD

1889	H. Chaplin
1892	H. Gardner
1895	W. Long
1900	R. W. Hanbury
1903	Earl of Onslow
1905	A. Fellowes
1905	Earl Carrington
1911	W. Runciman
1914	Lord Lucas
1915	Earl of Selborne
1916	Earl of Crawford
1916	R. Prothero
1919	Lord Lee of Fareham
1921	Sir A. G. Boscawen
1922	Sir R. Sanders
1924	N. Buxton
1924	E. F. L. Wood (afterwards Earl of Halifax)
1925	W. Guinness
1929	N. Buxton
1930	C. Addison
1931	Sir J. Gilmour
1932	Walter Elliot
1936	W. S. Morrison
1939	Sir R. Dorman-Smith
1940	R. S. Hudson
1945	T. Williams
1951	Sir T. Dugdale
1954	D. Heathcoat-Amory
1958	J. Hare

APPENDIX 10

SECRETARIES OF STATE FOR AIR

1917	Viscount Cowdray
1917	Lord Rothermere
1918	Lord Weir
1919	Winston Churchill
1921	Sir L. Worthington-Evans
1921	F. E. Guest
1922	Sir S. Hoare
1923	Lord Thomson
1924	Sir S. Hoare
1929	Lord Thomson
1930	Lord Amulree
1931	Marquess of Londonderry
1935	Viscount Swinton
1938	Sir K. Wood
1940	Sir S. Hoare
1940	Sir A. Sinclair
1945	Harold Macmillan
1945	Viscount Stansgate
1946	P. J. Noel-Baker
1947	A. Henderson
1951	Lord de L'Isle & Dudley
1956	N. Birch
1957	G. Ward

# APPENDIX II

## SECRETARIES OF STATE FOR THE COLONIES

1768	Earl of Hillsborough	1783	Lord North
1772	Earl of Dartmouth	1783	Lord Sydney (formerly Thomas Townshend)
1776	Lord George St. Germaine,		
1782	W. Ellis	1789	W. W. Grenville
1782	Earl of Shelburne	1797	H. Dundas
1782	Thomas Townshend	1794	Duke of Portland

*From 1794 to 1854 see WAR AND COLONIES*

1854	Sir G. Grey	1905	Earl of Elgin & Kincardine
1855	Sidney Herbert	1908	Earl of Crewe
1855	Lord John Russell	1910	L. Harcourt
1855	Sir W. Molesworth	1915	A. Bonar Law
1855	H. Labouchere	1916	W. H. Long
1858	Lord Stanley	1919	Viscount Milner
1858	Sir E. Bulwer-Lytton	1921	Winston Churchill
1859	Duke of Newcastle	1922	Duke of Devonshire
1864	E. Cardwell	1924	J. H. Thomas
1866	Earl of Carnarvon	1924	L. S. Amery
1867	Duke of Buckingham & Chandos	1925	Lord Passfield
1868	Earl Granville	1931	J. H. Thomas
1870	Earl of Kimberley	1931	Sir P. Cunliffe-Lister
1874	Earl of Carnarvon	1935	M. MacDonald
1878	Sir M. E. Hicks-Beach	1935	J. H. Thomas
1880	Earl of Kimberley	1936	W. Ormsby-Gore
1882	Earl of Derby (formerly Lord Stanley)	1938	M. MacDonald
1885	F. A. Stanley	1940	Lord Lloyd
1886	Earl Granville	1941	Lord Moyne
1886	E. Stanhope	1942	Viscount Cranborne
1887	Sir H. T. Holland	1942	O. Stanley
1892	Marquess of Ripon	1945	G. H. Hall
1895	Joseph Chamberlain	1946	A. Creech Jones
1903	A. Lyttelton	1950	J. Griffiths
		1951	O. Lyttelton
		1954	A. T. Lennox-Boyd

APPENDIX, 12

MINISTERS FOR DOMINION AFFAIRS AND (SINCE 1947)  
SECRETARIES OF STATE FOR COMMONWEALTH  
RELATIONS

1925	L. S. Amery
1929	Lord Passfield
1930	J. H. Thomas
1935	M. MacDonald
1938	Lord Stanley
1938	M. MacDonald
1939	Sir T. Inskip
1939	Anthony Eden
1940	Viscount Caldecote
1940	Viscount Cranborne
1942	C. R. Attlee
1943	Viscount Cranborne
1945	Viscount Addison
1947	P. J. Noel-Baker
1950	P. Gordon-Walker
1951	Lord Ismay
1952	Marquess of Salisbury
1952	Viscount Swinton
1955	Earl of Home

## APPENDIX 13

### DEFENCE MINISTERS

1936	Sir T. Inskip
1939	Lord Chatfield
1940	Winston Churchill
1945	C. R. Attlee
1946	A. V. Alexander
1950	E. Shinwell
1951	Winston Churchill
1952	Lord Alexander of Tunis
1954	Harold Macmillan
1955	Selwyn Lloyd
1956	Sir W. Monckton
1956	A. Head
1957	D. Sandys



# APPENDIX 14

## CHANCELLORS OF THE DUCHY OF LANCASTER AND CHANCELLORS OF THE DUCHY AND COUNTY PALATINE

### CHANCELLORS OF THE DUCHY OF LANCASTER

1399	William Burgoyne	1431	Walter Shiryngton
1402	John Wakering	1449	William Tresham
1405	Thomas Stanley	1449	John Say
1410	John Springthorpe	1471	Sir Richard Fowler
1413	John Wodehouse	1477	Sir John Say

### CHANCELLORS OF THE DUCHY AND COUNTY PALATINE

1478	Thomas Thwaites	1558	Sir Edward Waldegrave
1483	Thomas Metcalfe	1559	Sir Ambrose Caye
1485	Sir Reginald Bray	1568	Sir Ralph Sadler
1504	Sir John Mordaunt	1587	Sir Francis Walsingham
1505	Sir Richard Erpson	1590	Sir Thomas Heneage
1509	Sir Henry Marney	1595	In Commission
1523	Sir Richard Wingfield	1597	Sir Robert Cecil
1525	Sir Thomas More	1599	In Commission
1529	Sir William Fitzwilliam	1601	(24 September for ten days only) Sir John Fortescue
1542	Sir John Gage	1601	(8 October to 4 November) In Commission
1547	Sir William Paget	1601	Sir John Fortescue
1552	Sir John Gates		
1553	Sir Robert Rochester		

### CHANCELLORS OF THE DUCHY OF LANCASTER

1603	Sir John Fortescue	1660	Lord Seymour of Trowbridge
1607	Sir John Fortescue	1664	Sir Thomas Ingram
	Sir Thomas Parry	1672	Sir Robert Carr
1615	Sir Thomas Parry	1682	Sir Thomas Chichley
	Sir John Dacombe	1687	Lord Belasye and other Commissioners for ye Treasury
1616	Sir John Dacombe	1689	Lord Willoughby d'Eresby
1618	Sir Humphrey May	1697	Earl of Stamford
1629	Lord Newburgh	1702	Sir John Leveson Gower
1644	Lord Grey of Wake	1706	Earl of Derby
	William Lenthall	1710	Lord Berkeley of Stratton
	Commissioners	1714	Earl of Aylesford
1648	Sir Gilbert Gerrard	1716	Earl of Scarborough
1649	John Bradshaw	1717	Nicholas Lechmere
1653	John Bradshaw	1727	Duke of Rutland
	Thomas Fell	1735	Earl of Cholmondeley
1655	Thomas Fell	1743	Lord Edgcumbe
1658	John Bradshaw	1758	Viscount Dupplin
1660	William Lenthall		
1660	Sir Gilbert Gerrard		

## Appendixes

1762	Lord Strange	1886	Duke of Rutland
1771	Earl of Clarendon	1892	J. Bryce
1782	Lord Ashburton	1894	Lord Tweedmouth
1783	Earl of Derby	1895	Viscount Cross
1783	Earl of Clarendon	1895	Lord James of Hereford
1787	Lord Hawkesbury	1902	Sir W. Walrond
1803	Lord Pelham	1905	Sir H. H. Fowler
1804	Lord Mulgrave	1908	Lord Fitzmaurice
1805	Earl of Buckinghamshire	1909	H. L. Samuel
1806	Earl of Derby	1910	Lord Gainford
1807	S. Perceval	1911	C. E. H. Hobhouse
1812	Earl of Buckinghamshire	1914	C. F. G. Masterman
1812	C. Bathurst	1915	E. S. Montague
1823	Lord Bexley	1915	Winston Churchill
1828	Earl of Aberdeen	1915	H. L. Samuel
1828	C. Arbuthnot	1916	E. S. Montague
1830	Lord Holland	1916	T. M. Wood
1830	Earl of Haddington	1917	Sir F. Cawley
1834	C. W. W. Wynn	1918	Lord Beaverbrook
1835	Lord Holland	1918	Lord Downham
1840	Earl of Clarendon	1919	Earl of Crawford & Balcarres
1841	Sir G. Grey	1921	Viscount Peel
1841	Lord Granville Somerset	1922	Sir W. Sutherland
1846	Lord Campbell	1922	Marquess of Salisbury
1850	Earl of Carlisle	1923	J. C. C. Davidson
1852	R. A. C. Nisbet-Hamilton	1924	J. C. Wedgwood
1852	E. Strutt	1924	Viscount Cecil of Chelwood
1854	Earl Granville	1927	Lord Cushenden
1855	Earl of Harrowby	1929	Sir O. E. Mosley
1855	M. T. Barnes	1930	C. R. Attlee
1858	Duke of Montrose	1931	Lord Ponsonby of Shulbrede
1859	Sir G. Grey	1931	Marquess of Lothian
1861	E. Cardwell	1931	J. C. C. Davidson
1864	Earl of Clarendon	1937	Earl Winterton
1866	G. J. Goschen	1939	W. S. Morrison
1866	Earl of Devon	1940	Lord Tryon
1867	J. Wilson-Patten	1940	Lord Hankey
1868	T. E. Taylor	1941	A. Duff Cooper
1868	Lord Dufferin	1943	E. Brown
1872	H. C. E. Childers	1945	Sir A. Salter
1873	John Bright	1945	J. B. Hynd
1874	T. E. Taylor	1947	Lord Pakenham
1880	John Bright	1948	Hugh Dalton
1882	Earl of Kimberley	1950	Viscount Alexander of Hillsborough
1882	J. G. Dodson		
1884	G. O. Trevelyan	1951	Viscount Swinton
1885	H. Chaplin	1952	Viscount Woolton
1886	E. Heneage	1956	Earl of Selkirk
1886	Sir U. J. Kay-Shuttleworth	1957	C. Hill

PRESIDENTS OF THE BOARD AND MINISTERS OF  
EDUCATION.

1900	Duke of Devonshire
1902	Marquess of Londonderry
1905	A. Birrell
1907	R. McKenna
1908	W. Runciman
1911	J. A. Pease
1915	A. Henderson
1916	Marquess of Crewe
1916	H. A. L. Fisher
1922	E. F. L. Wood (afterwards Earl of Halifax)
1924	C. P. Trevelyan
1924	Lord Eustace Percy
1929	Sir C. P. Trevelyan
1931	H. B. Lees-Smith
1931	Sir D. Maclean
1932	Lord Irwin (afterwards Earl of Halifax)
1935	O. Stanley
1937	Earl Stanhope
1938	Earl de la Warr
1940	H. Ramsbotham
1941	R. A. Butler
1945	R. K. Law
1947	Ellen Wilkinson
1947	G. Tomlinson
1951	Florence Horsburgh
1954	Sir D. Eccles
1957	Lord Hailsham
1957	G. Lloyd

## CHANCELLORS OF THE EXCHEQUER

1714	Sir Richard Onslow	1866	B. Disraeli
1715	Sir Robert Walpole	1868	G. W. Hunt
1717	Lord Stanhope	1868	R. Lowe
1718	John Aislabie	1873	W. E. Gladstone
1721	Sir Robert Walpole	1874	Sir S. Northcote
1742	Samuel Sandys	1880	W. E. Gladstone
1743	Henry Pelham	1882	H. C. E. Childers
1754	Hon. Henry Bilson Legge	1885	Sir M. E. Hicks-Beach
1761	Viscount Barrington	1886	Sir W. Harcourt
1762	Sir Francis Dashwood	1886	Lord Randolph Churchill
1763	George Grenville	1887	C. J. Goschen
1765	William Dowdeswell	1892	Sir W. Harcourt
1766	Hon. Charles Townshend	1895	Sir M. E. Hicks-Beach
1767	Lord North	1902	C. T. Ritchie
1782	Lord John Cavendish	1902	Austen Chamberlain
1782	William Pitt	1905	H. H. Asquith
1783	Lord John Cavendish	1908	D. Lloyd George
1783	William Pitt	1915	R. McKenna
1801	H. Addington	1916	A. Bonar Law
1804	William Pitt	1919	Austen Chamberlain
1806	Lord Henry Petty	1921	Sir R. S. Horne
1807	S. Perceval	1922	Stanley Baldwin
1812	N. Vansittart	1923	Neville Chamberlain
1823	F. J. Robinson	1924	P. Snowden
1827	G. Canning	1924	Winston Churchill
1827	J. C. Herries	1929	P. Snowden
1828	H. Goulburn	1931	Neville Chamberlain
1830	Viscount Althorp	1937	Sir J. Simon
1834	Sir Robert Peel	1940	Sir K. Wood
1835	T. Spring-Rice	1940	Sir J. Anderson
1839	F. T. Baring	1945	Hugh Dalton
1841	H. Goulburn	1945	Sir Stafford Cripps
1846	C. Wood	1950	Hugh Gaitskell
1852	B. Disraeli	1951	R. A. Butler
1852	W. E. Gladstone	1956	Harold Macmillan
1855	Sir G. C. Lewis	1957	P. Thorneycroft
1858	B. Disraeli	1958	D. Heathcoat-Amory
1859	W. E. Gladstone		

## SECRETARIES OF STATE FOR FOREIGN AFFAIRS

1782	Charles James Fox	1870	Earl Granville
1782	Lord Grantham	1874	Earl of Derby (formerly Lord Stanley)
1783	Charles James Fox	1878	Marquess of Salisbury
1783	Marquess of Carmarthen	1880	Earl Granville
1791	Lord Grenville	1885	Marquess of Salisbury
1801	Lord Hawkesbury	1886	Earl of Rosebery
1804	Lord Harrowby	1886	Earl of Iddesleigh
1805	Lord Mulgrave	1887	Marquess of Salisbury
1806	Charles James Fox	1892	Earl of Rosebery
1806	Lord Howick	1894	Earl of Kimberley
1807	G. Canning	1895	Marquess of Salisbury
1809	Earl Bathurst	1900	Marquess of Lansdowne
1809	Marquess Wellesley	1905	Sir E. Grey
1812	Viscount Castlereagh	1916	A. J. Balfour
1822	G. Canning	1919	Lord Curzon
1827	Earl of Dudley	1924	J. Ramsay MacDonald
1828	Earl of Aberdeen	1924	Austen Chamberlain
1830	Viscount Palmerston	1929	A. Henderson
1834	Duke of Wellington	1931	Lord Reading
1835	Viscount Palmerston	1931	Sir J. Simon
1841	Earl of Aberdeen	1935	Sir S. Hoare
1846	Viscount Palmerston	1935	Anthony Eden
1851	Earl Granville	1938	Lord Halifax
1852	Earl of Malmesbury	1940	Anthony Eden
1852	Lord John Russell	1945	Ernest Bevin
1853	Earl of Clarendon	1951	Herbert Morrison
1858	Earl of Malmesbury	1951	Sir Anthony Eden
1859	Lord John Russell	1955	Harold Macmillan
1865	Earl of Clarendon	1955	Selwyn Lloyd
1866	Lord Stanley		
1868	Earl of Clarendon		

## APPENDIX 18

### MINISTERS OF HEALTH

1919	C. Addison
1921	Sir A. Mond
1922	Sir A. Griffith-Boscawen
1923	Neville Chamberlain
1924	J. Wheatley
1924	Neville Chamberlain
1929	A. Greenwood
1931	Neville Chamberlain
1931	Sir E. Hilton Young
1935	Sir K. Wood
1938	Walter Elliot
1940	M. MacDonald
1941	A. E. Brown
1943	H. U. Willink
1945	A. Bevan
1951	H. A. Marquand
1951	H. Crookshank
1952	I. N. Macleod
1956	R. H. Turton
1957	D. Vosper
1957	D. Walker-Smith

## SECRETARIES OF STATE FOR THE HOME DEPARTMENT

1782	Earl of Shelburne,	1867	G. Hardy
1782	Thomas Townshend	1868	H. A. Bruce
1782	Lord North	1873	R. Lowe
1783	Lord Sydney (Thomas Townshend)	1874	Sir R. A. Cross
1789	William Wyndham Grenville	1880	Sir W. V. Harcourt
1791	Henry Dundas	1885	Sir R. A. Cross
1794	Duke of Portland	1886	H. C. E. Childers
1801	Lord Pelham	1886	H. Matthews
1803	C. P. Yorke	1892	H. H. Asquith
1804	Lord Hawkesbury	1895	Sir M. W. Ridley
1806	Earl Spencer	1900	C. T. Ritchie
1807	Lord Hawkesbury	1902	A. Akers-Douglas
1809	R. Ryder	1905	H. J. Gladstone
1812	Viscount Sidmouth	1910	Winston Churchill
1822	Robert Peel	1911	R. McKenna
1827	W. S. Bourne	1915	Sir J. Simon
1827	Marquess of Lansdowne	1916	H. L. Samuel
1828	Robert Peel	1916	Sir G. Cave
1830	Viscount Melbourne	1919	E. Shortt
1834	Viscount Duncan	1922	W. C. Bridgeman
1834	H. Goulburn	1924	A. Henderson
1835	Lord John Russell	1924	Sir W. Joynson-Hicks
1839	Marquess of Normanby	1929	J. R. Clynes
1841	Sir J. R. Graham	1931	Sir H. Samuel
1846	Sir G. Grey	1932	Sir J. Gilmour
1852	S. H. Walpole	1935	Sir J. Simon
1852	Viscount Palmerston	1937	Sir S. Hoare
1855	Sydney Herbert	1939	Sir J. Anderson
1855	Sir G. Grey	1940	Herbert Morrison
1858	S. H. Walpole	1945	Sir D. B. Scervell
1859	T. H. S. Sotherton-Estcourt	1945	J. Chuter Ede
1859	Sir G. C. Lewis	1951	Sir D. Maxwell Fyfe
1861	Sir G. Grey	1954	G. Lloyd George
1866	S. H. Walpole	1957	R. A. Butler

## SECRETARIES OF STATE FOR INDIA

1858	E. H. S. Stanley
1859	Sir C. Wood
1866	Earl de Grey and Ripon
1866	Viscount Cranborne
1867	Sir S. Northcote
1868	Duke of Argyll
1874	Marquess of Salisbury (formerly Viscount Cranborne)
1878	Viscount Cranbrook
1880	Marquess of Hartington
1882	Earl of Kimberley
1885	Lord Randolph Churchill
1886	Earl of Kimberley
1886	Viscount Cross
1892	Earl of Kimberley
1894	Sir H. Fowler
1895	Lord George Hamilton
1903	St. J. Brodrick
1905	Viscount Morley of Blackburn
1910	Earl of Crewe
1915	Austen Chamberlain
1917	E. Montagu
1922	Viscount Peel
1924	Lord Olivier
1924	Earl of Birkenhead
1928	Viscount Peel
1929	W. Wedgwood Benn
1931	Sir S. Hoare
1935	Marquess of Zetland
1940	L. S. Amery
1945	Lord Pethick-Lawrence
1947	Earl of Listowel



## MINISTERS OF LABOUR AND (SINCE 1939) NATIONAL SERVICE

1917	J. Hodge
1917	G. H. Roberts
1919	Sir R. S. Horne
1920	T. J. Macnaughtan
1922	Sir M. Barlow
1924	T. Shaw
1924	Sir A. Steel-Maitland
1929	Margaret Bondfield
1931	Sir H. Beckett
1934	O. Stanley
1935	A. E. Brown
1940	Ernest Bevin
1945	G. A. Isaacs
1951	A. Bevan
1951	A. Robens
1951	Sir W. Monckton
1956	I. N. Macleod

## LORDS PRESIDENT OF THE COUNCIL

1679	Earl of Shaftesbury	1805	Earl Camden (formerly Lord Camden)
1679	Earl of Radnor	1806	Earl FitzWilliam
1684	Earl of Rochester	1806*	Viscount Sidmouth
1685	Marquess of Halifax	1807	Earl Camden
1685	Earl of Sunderland	1812	Viscount Sidmouth
1689	Earl of Danby	1812	Earl of Harrowby
1699	Earl of Pembroke & Montgomery	1827	Duke of Portland
1701	Duke of Somerset	1828	Earl Bathurst
1702	Earl of Pembroke & Montgomery	1830	Marquess of Lansdowne
1708	Lord Somers	1834	Earl of Rosslyn
1710	Earl of Rochester	1835	Marquess of Lansdowne
1711	Duke of Buckinghamshire & Normanby	1841	Lord Wharncliffe
1714	Earl of Nottingham	1846	Duke of Buccleuch
1715	Earl of Dorset	1846	Marquess of Lansdowne
1716	Duke of Devonshire	1852	Earl of Lonsdale
1717	Earl of Sunderland	1852	Earl Granville
1719	Duke of Kingston	1854	Lord John Russell
1720	Viscount Townshend	1855	Earl Granville
1721	Lord Carleton	1858	Marquess of Salisbury
1725	Duke of Devonshire	1859	Earl Granville
1730	Lord Trevor	1866	Duke of Buckingham & Chandos
1730	Earl of Wilmington	1867	Duke of Marlborough
1742	Earl of Harrington	1868	Earl de Grey & Ripon
1745	Duke of Dorset	1873	H. A. Bruce
1751	Earl Granville	1874	Duke of Richmond
1763	Duke of Bedford	1880	Earl Spencer
1765	Earl of Winchelsea & Nottingham	1883	Lord Carlingford
1766	Earl of Northington	1885	Viscount Cranbrook
1767	Earl Gower	1886	Earl Spencer
1779	Earl Bathurst	1886	Viscount Cranbrook
1782	Lord Camden	1892	Earl of Kimberley
1783	Viscount Stormont	1894	Earl of Rosebery
1783	Earl Gower	1895	Duke of Devonshire
1784	Lord Camden	1903	Marquess of Londonderry
1794	Earl FitzWilliam	1905	Earl of Crewe
1794	Earl of Mansfield	1908	Lord Tweedmouth
1796	Earl of Chatham	1908	Viscount Wolverhampton
1801	Duke of Portland	1910	Earl Beauchamp
1805	Viscount Sidmouth	1910	Viscount Morley
		1914	Earl Beauchamp
		1915	Marquess of Crewe

## Appendixes

1916	Earl Curzon of Kedleston	1939	Earl Stanhope
1919	A. J. Balfour	1940	Neville Chamberlain
1922	Marquess of Salisbury	1940	Sir J. Anderson
1924	Lord Parmoor of Frieth	1943	C. R. Attlee
1924	Marquess Curzon of Kedleston	1947	Lord Woolton
1925	Earl of Balfour	1945	Herbert Morrison
1929	Lord Parmoor of Frieth	1951	Viscount Addison
1931	Stanley Baldwin	1951	Lord Woolton
1935	J. Ramsay MacDonald	1952	Marquess of Salisbury
1937	Viscount Halifax	1957	Earl of Home
1938	Viscount Hailsham	1957	Viscount Hailsham
1938	Viscount Runciman of Doxford		

## KEEPERS OF THE PRIVY SEAL .

1307	William Melton	1406	John Prophet
1312	Roger Northburgh	1415	John Wakering
1316	Thomas Charlton	1416 <sup>2</sup>	Henry Ware
1330	Robert Baldock	1418	John Kemp
1323	Robert Wodehouse	1421	John Stafford
1323	Robert Ayleston	1422	William Alnwick
1324	William Airmyn	1432	William Lyndwood
1325	Henry Cliff	1443	Thomas Beckington
1325 <sup>2</sup>	William Harleston	1444	Adam Moleyns
1326	Robert Wyvill 'acted as keeper of the privy seal used by Edward, Duke of Aquitaine, while governing the realm in his father's name'	1450	Thomas Kent
		1450	Andrew Hulse
		1452	Thomas Kent
		1452	Thomas Lisieux
		1456	Lawrence Booth
1327	Richard Airmyn	1460	Robert Stillington
1328	Adam Limber (Lymbergh)	1467	Thomas Rotherham
1330	Richard Bury	1470	John Halcs (Keeper during the brief restoration of Henry VI)
1334	Robert Ayleston		
1334	Robert Tawton	1471	Thomas Rotherham
1335	William de la Zouche	1474	John Russell
1337	Richard Bentworth	1483	John Gunthorp
1338	William Kilsby	1485	Peter Courtenay
1342	John Offord	1487	Richard Fox (first to be designated Lord Privy Seal)
1344	Thomas Hatfield		
1345	John Thoresby	1516	Thomas Ruthall
1347	Simon Islip	1523	Lord Mainy
1350	Michael Northburgh	1523	Cuthbert Tunstall
1354	Thomas Bramber	1530	Thomas Boleyn, Earl of Wilt- shire & Ormond
1356	John Winwick	1536	Thomas Cromwell
1360	John Buckingham	1540	Earl of Southampton
1363	William of Wykeham	1542	John Russell
1367	Peter Lacy	1555	Sir Robert Rochester
1371	Nicholas Carew	1555	Lord Paget
1377	John Fordham	1571	Lord Burghley (styled Keeper —Nicholas Bacon is said to have acted as Keeper at the beginning of Elizabeth's reign)
1381	William Dighton		
1382	Walter Skirlaw	1572	Lord Howard of Effingham
1386	John Waltham	1573	Sir Thomas Smith
1389	Edmund Stafford		
1396	Guy de Mone		
1397	Richard Cliff, rd.		
1401	Thomas Langley		
1405	Nicholas Bubwith		

## Appendixes

1576	Francis Walsingham	1730	Earl of Wilmington
1590?	Lord Burghley		Abraham Stanyan }
1598	Robert Cecil	1731	Robert Jackson }
1608	Earl of Northampton		Commissioners
1614	Earl of Somerset	1731	Duke of Devonshire
1616	Earl of Worcester	1733	Viscount Lonsdale
1628	Sir John Coke	1735	Earl of Godolphin
1628	Sir Robert Naughton	1740	Lord Hervey of Ickworth
1628	Earl of Manchester	1742	John Leveson Gower
1643	Sir Edward Nicholas	1743	Earl of Cholmondeley
1644	Earl of Bath	1744	Earl Gower (formerly Jo Leveson Gower)
1655-7	Nathaniel Fiennes, 'Com- missioner of His Highnes Privy Seale', received the customary allowance from March 1655 until June 1657 during the Protectorate	1755	Duke of Marlborough
		1755	Granville Leveson Gower
		1757	Earl Temple
		1761	William Sharpe }
			Jeremiah Dyson }
			Commissioners
1661	John Robartes	1761	Duke of Bedford
1673	Earl of Anglesey	1763	Duke of Marlborough
1682	Marquess of Halifax	1765	Duke of Newcastle-upon-Tyne and Duke of Newcastle- under-Lyne
1685	Earl of Clarendon		
1687	Lord Lumley of Wardour	1766	Earl of Chatham (in February 1768 the office was put in Commission for a short time. Chatham took the oath again in March 1768)
1689	Marquess of Halifax		
	William Cheyne or Cheney }		
1690	Sir John Knatchbull		
	Sir William Pulteney }		
	Commissioners		
1692	Earl of Pembroke	1768	Earl of Bristol
1699	Viscount Lonsdale	1770	Earl of Halifax
1700	Earl of Tankerville	1771	Earl of Suffolk & Berkshire
	Edward Southwell }	1771	Duke of Grafton
1701	Christopher Musgrave }	1775	Earl of Dartmouth
	James Vernon }	1782	Duke of Grafton
	Commissioners	1783	Earl of Carlisle
1702	Duke of Buckinghamshire & Normanby	1783	Duke of Rutland
1705	Duke of Newcastle-upon- Tyne		William Fraser }
		1784	Evan Nepean }
1711	John Robinson		Stephen Cottrell }
1713	Earl of Dartmouth		Commissioners
1714	Marquess of Wharton	1784	Marquess of Stafford
	Edward Southwell	1794	Duke of Marlborough
1715	Christopher Musgrave }	1794	Earl of Chatham
	Andrew Charlton }	1798	Earl of Westmorland
	Commissioners	1806	Viscount Sidmouth
1715	Earl of Sunderland	1806	Lord Holland
1716	Duke of Kingston	1807	Earl of Westmorland
1719	Duke of Kent	1827	Duke of Devonshire
1720	Duke of Kingston	1827	Earl of Carlisle
1726	Lord Trevor of Bromham	1828	Edward Law

## Appendixes

1829	Earl of Rosslyn	1908	Marquess of Crewe
1830	Earl of Durham	1911	Marquess of Lincolnshire
1833	Earl of Ripon	1912	Marquess of Crewe
1834	Earl of Carlisle	1915	Earl Curzon
1834	Earl of Mulgrave	1916	Earl of Crawford
1834	Lord Wharncliffe	1919	A. Bonar Law
1835	Lord Duncannon	1921	Austen Chamberlain
1840	Earl of Clarendon	1923	Viscount Cecil
1841	Duke of Buckingham	1924	J. B. Clynes
1842	Duke of Buccleuch	1925	Marquess of Salisbury
1846	Earl of Haddington	1929	J. H. Thomas
1846	Earl of Minto	1930	V. Hartshorn
1852	Marquess of Salisbury	1931	T. Johnston
1853	Duke of Argyll	1931	Earl Peel
1855	Earl of Harrowby	1931	Viscount Snowden
1858	Marquess of Clanricarde	1932	Stanley Baldwin
1858	Earl of Hardwicke	1934	Anthony Eden
1859	Duke of Argyll	1935	Marquess of Londonderry
1866	Earl of Malmesbury	1935	Viscount Halifax
1868	Earl of Kimberley	1937	Earl de la Warr
1870	Viscount Halifax	1938	Sir J. Anderson
1874	Earl of Malmesbury	1939	Sir S. Hoare
1876	Earl of Beaconsfield	1940	Sir K. Wood
1878	Duke of Northumberland	1940	C. R. Attlee
1880	Duke of Argyll	1942	Sir Stafford Cripps
1881	Lord Carlingford	1942	Viscount Cranborne
1885	Lord Rosebery	1943	Lord Beaverbrook
1885	Earl of Harrowby	1945	A. Greenwood
1886	W. E. Gladstone	1947	Lord Inman
1886	Earl of Cadogan	1947	Viscount Addison
1892	W. E. Gladstone	1951	R. R. Stokes
1894	Lord Tweedmouth	1951	Marquess of Salisbury (formerly Viscount Cranborne)
1895	Viscount Cross	1952	H. F. C. Crookshank
1900	Marquess of Salisbury	1956	R. A. Butler
1902	A. J. Balfour		
1903	Marquess of Salisbury		
1905	Marquess of Ripon		

# PAYMASTERS GENERAL OF THE FORCES, TREASURERS OF THE NAVY, AND PAYMASTERS GENERAL

## PAYMASTERS GENERAL OF THE FORCE

1660	Sir Stephen Fox	1782	Edmund Burke and Isaac Barré
1679	Nicholas Johnson and Charles Fox	1783	Edmund Burke
1682	Charles Fox	1784	William Wyndham Grenville and Lord Mulgrave
1689	Earl of Ranelagh	1789	Lord Mulgrave and the Marquis of Graham
1703	John Howe and C. Fox	1791	D. Ryder and T. Steele
1707	J. Brydges	1800	T. Steele and G. Canning
1713	Thomas Moore and E. Nicholas	1801	T. Steele and Lord Glenbervie
1714	Robert Walpole	1803	T. Steele and J. H. Addington
1715	Earl of Lincoln	1804	G. Rose and Lord Charles Somerset
1720	Robert Walpole	1806	Earl Temple and Lord John Townshend
1721	Lord Cornwallis	1807	C. Long and Lord Charles Somerset
1722	Spencer Compton	1813	C. Long and F. J. Robinson
1730	Henry Pelham	1817	Sir C. Long
1743	Sir Thomas Winnington	1826	W. V. Fitzgerald
1746	William Pitt (afterwards Earl of Chatham)	1828	J. Calcraft
1755	Earl of Darlington and T. Hay	1830	Lord John Russell
1757	Henry Fox	1834	Sir E. Knatchbull
1765	Charles Townshend	1835	Sir H. Parnell
1766	Lord North and George Cooke		
1767	George Cooke and Thomas Townshend		
1768	Richard Rigby		

## TREASURERS OF THE NAVY

1660	Sir George Carteret	1720	Sir G. Byng
1667	Earl of Anglesey	1724	P. Byng
1672	Sir T. Osborne	1734	Arthur Onslow
1673	Sir Edward Seymour	1742	T. Clutterbuck
1681	Viscount Falkland	1742	Sir Charles Wager
1689	Edward Russel	1743	Sir John Rushout
1699	Sir T. Littleton	1744	G. Bubb Dodington
1710	Robert Walpole	1749	H. B. Legge
1711	Charles Caesar	1754	George Grenville
1714	John Aislabie	1756	G. Bubb Dodington
1718	Richard Hampden	1756	George Grenville

## Appendixes

1762	Viscount Barrington	1804	G. Canning
1765	Viscount Howe	1806	R. B. Sheridan
1770	Sir Gilbert Elliot	1807	G. Rose
1777	W. Ellis	1818	F. J. Robinson
1782	Isaac Barré	1823	W. Huskisson
1782	Henry Dundas	1827	C. Grant
1783	Charles Townshend	1828	W. Fitzgerald
1784	Henry Dundas	1830	T. F. Lewis
1800	D. Ryder	1830	C. P. Thompson
1801	C. Bragge	1834	Viscount Lowther
1803	G. Tierney	1835	Sir H. Parnell

### PAYMASTERS GENERAL

1836	Sir H. Parnell	1899	Duke of Marlborough
1841	E. J. Stanley	1902	Sir S. Crossley
1841	Sir E. Knatchbull	1906	R. K. Causton
1845	W. B. Baring	1910	Lord Ashby St. Ledgers
1846	T. B. Macaulay	1912	Lord Strachie
1848	Earl Granville	1915	Lord Newton
1852	Lord Stanley	1916	A. Henderson
1852	Lord Colchester	1916	Sir J. Compton Rickett
1853	Lord Stanley	1919	Sir J. Tudor Walters
1855	E. Pleydell Bouverie	1923	Neville Chamberlain
1855	R. Lowe	1923	Sir W. Joynson-Hicks
1858	Earl of Donoughmore	1923	A. B. Boyd-Carpenter
1859	Lord Lovaine	1924	H. Gosling
1859	J. Wilson	1925	Duke of Sutherland
1859	W. F. Cewper	1928	Earl of Onslow
1860	W. Hutt	1929	Lord Arnold
1865	G. J. Goschen	1931	Sir J. Tudor Walters
1866	W. Monsell	1931	Lord Rochester
1866	S. Cave	1935	Lord Hutchison
1868	Lord Dufferin & Clandeboye	1938	Earl of Munster
1872	H. C. E. Childers	1939	Earl Winterton
1873	W. P. Adam	1940	Viscount Cranborne
1874	S. Cave	1941	Lord Hankey
1880	D. R. Plunket	1942	Sir W. Jowitt
1880	Lord Wolverton	1942	Lord Cherwell
1885	Earl Beauchamp	1946	A. Greenwood
1886	Lord Thurlow	1947	H. A. Marquand
1886	Earl Beauchamp	1948	Viscount Addison
1887	Earl Brownlow	1949	Lord Macdonald
1890	Earl of Jersey	1951	Lord Cherwell
1891	Lord Windsor	1953	Earl of Selkirk
1892	C. Seale-Hayne	1956	Sir W. Monckton
1895	Earl of Home	1957	R. Maudling



# APPENDIX 25

## MINISTERS OF PENSIONS AND (SINCE 1953) NATIONAL INSURANCE

1916	G. N. Barnes
1917	J. Hodge
1919	Sir L. Worthington-Evans
1920	J. L. Macpherson
1922	G. C. Tryon
1924	F. O. Roberts
1924	G. C. Tryon
1929	F. O. Roberts
1931	G. C. Tryon
1935	R. S. Hudson
1936	H. Ramsbotham
1939	Sir W. Womersley
1945	W. Paling
1947	J. B. Hynd
1947	G. Buchanan
1948	H. A. Marquand
1951	G. A. Isaacs
1951	D. Heathcoat Amory
1953	O. Peake
1956	J. A. Boyd-Carpenter

## POSTMASTERS-GENERAL (FROM 1823)

1823	Earl of Chichester	1895	Duke of Norfolk
1826	Lord Frederick Montague	1900	Marquess of Londonderry
1827	Duke of Manchester	1902	Austen Chamberlain
1830	Duke of Richmond	1903	Lord Stanley
1834	Marquess of Conyngham	1905	S. Buxton
1834	Lord Maryborough	1910	H. L. Samuel
1835	Marquess of Conyngham	1914	C. E. H. Hobhouse
1835	Earl of Lichfield	1915	H. L. Samuel
1841	Lord Lowther	1916	J. A. Pease
1846	Earl of St. German's	1916	A. H. Illingworth
1846	Marquess of Clanricarde	1921	F. G. Kellaway
1852	Earl of Hardwicke	1922	Neville Chamberlain
1853	Viscount Canning	1923	Sir W. Joynson-Hicks
1855	Duke of Argyll	1923	Sir L. Worthington-Evans
1858	Lord Colchester	1924	V. Hartshorn
1859	Earl of Elgin & Kincardine	1924	Sir W. Mitchell-Thomson
1860	Duke of Argyll	1929	H. B. Lees-Smith
1860	Lord Stanley of Alderley	1931	C. R. Attlee
1866	Duke of Montrose	1931	W. G. A. Ormsby-Gore
1868	Marquess of Hartington	1931	Sir K. Wood
1871	W. Monsell	1935	G. C. Tryon
1873	L. Playfair	1940	W. S. Morrison
1874	Lord John Manners	1943	H. Crookshank
1880	H. Fawcett	1945	Earl of Listowel
1884	G. J. Shaw-Lefevre	1947	W. Paling
1885	Lord John Manners	1950	Ness Edwards
1886	Lord Wolverton	1951	Earl de la Warr
1886	H. C. Raikes	1955	C. H. Hill
1891	Sir J. Fergusson	1957	E. Marples
1892	A. Morley		

SECRETARIES AND SECRETARIES OF STATE FOR SCOTLAND

SECRETARIES FOR SCOTLAND

1885	Duke of Richmond & Gordon	1905	Marquess of Liffhithgow
1886	G. O. Trevelyan	1905	J. Sinclair
1886	Earl of Dalhousie	1912	T. M. Wood
1886	A. J. Balfour	1916	H. J. Tennant
1887	Marquess of Lothian	1916	R. Munro
1892	Sir G. O. Trevelyan	1922	Viscount Novar
1895	Lord Balfour of Burleigh	1924	W. Adamson
1903	A. Graham Murray	1924	Sir J. Gilmour

SECRETARIES OF STATE FOR SCOTLAND

1926	Sir J. Gilmour	1941	T. Johnston
1929	W. Adamson	1945	Earl of Rosebery
1931	Sir A. Sinclair	1945	J. Westwood
1932	Sir G. Collins	1947	A. Woodburn
1936	Walter Elliot	1950	H. McNeil
1938	D. J. Colville	1951	J. Stuart
1940	E. Brown	1957	J. MacLay

## APPENDIX 28

### MINISTERS OF SUPPLY

1939	E. L. Burgin
1940	Herbert Morrison
1940	Sir A. Duncan
1941	Lord Beaverbrook
1942	Sir A. Duncan
1945	J. Wilmot
1947	G. R. Strauss
1951	D. Sandys
1954	Selwyn Lloyd
1955	R. Maudling
1957	A. Jones

## PRESIDENTS OF THE BOARD OF TRADE

1786	Lord Hawkesbury	1885	E. Stanhope
1802	Duke of Montrose	1886	A. J. Mundella
1806	Lord Auckland	1886	Sir F. Stanley
1807	Earl Bathurst	1888	Sir M. E. Hicks-Beach
1809	Viscount Melbourne	1892	A. J. Mundella
1812	Earl Bathurst	1894	J. Bryce
1812	Earl of Clancarty	1895	C. T. Ritchie
1818	F. J. Robinson	1900	G. W. Balfour
1823	W. Huskisson	1905	Marquess of Salisbury
1827	C. Grant	1905	D. Lloyd George
1828	W. Vesey Fitzgerald	1908	Winston Churchill
1830	J. C. Herries	1910	S. C. Buxton
1830	Lord Auckland	1914	J. Burns
1834	C. E. Poulett Thomson	1914	W. Runciman
1834	A. Baring	1916	Sir A. H. Stanley
1835	C. E. Poulett Thomson	1919	Sir A. C. Geddes
1839	H. Labouchere	1920	Sir R. S. Horne
1841	Earl of Ripon (formerly F. J. Robinson)	1921	Stanley Baldwin
1843	W. E. Gladstone	1922	Sir P. Lloyd-Greame
1845	Earl of Dalhousie	1924	Sidney Webb
1846	Earl Clarendon	1924	Sir P. Cunliffe-Lister (formerly Sir P. Lloyd-Greame)
1847	H. Labouchere	1929	W. Graham
1852	J. W. Henley	1931	Sir P. Cunliffe-Lister
1852	E. Cardwell	1931	W. Runciman
1855	Lord Stanley of Alderley	1937	O. F. G. Stanley
1858	J. W. Henley	1940	Sir A. R. Duncan
1859	Earl of Donoughmore	1940	O. Lyttelton
1859	T. M. Gibson	1941	Sir A. R. Duncan
1866	Sir S. H. Northcote	1942	J. J. Llewellyn
1867	Duke of Richmond	1942	Hugh Dalton
1868	John Bright	1945	O. Lyttelton
1870	C. S. P. Fortescue	1945	Sir Stafford Cripps
1874	Sir C. B. Adderley	1947	J. H. Wilson
1878	Viscount Sandon	1951	Sir H. Shawcross
1880	Joseph Chamberlain	1951	P. Thorneycroft
1885	Duke of Richmond & Gordon	1957	Sir D. Eccles

# APPENDIX 30

## MINISTERS OF TRANSPORT AND (SINCE 1951) CIVIL AVIATION

1919	Sir E. Geddes
1921	Viscount Peel
1922	Earl of Crawford & Balcarres
1922	W. Ashley
1923	J. Moore-Brabazon
1924	H. Gosling
1924	W. Ashley
1929	H. Morrison
1931	P. J. Pybus
1933	O. Stanley
1934	L. Hore-Belisha
1937	F. L. Burgin
1939	D. E. Wallace
1940	Sir J. Reith
1940	J. Moore-Brabazon
1941	Lord Leathers
1945	A. Barnes
1951	J. S. MacLay
1952	A. T. Lennox-Boyd
1954	J. A. Boyd-Carpenter
1956	H. Watkinson

## SECRETARY OF STATE FOR WAR

1794 Henry Dundas

### SECRETARIES OF STATE FOR WAR AND THE COLONIES.

1801 Lord Hobart	1833 E. G. Stanley
1804 Earl Camden	1834 T. Spring-Rice
1805 Viscount Castlereagh	1834 Earl of Alderdeen
1806 W. Windham	1835 C. Grant
1807 Viscount Castlereagh	1839 Marquess of Normanby
1809 Earl of Liverpool	1839 Lord John Russell
1812 Earl Bathurst	1841 Lord Stanley
1827 Viscount Goderich	1845 W. E. Gladstone
1827 W. Huskisson	1846 Earl Grey
1828 Sir G. Murray	1852 Sir J. S. Pakington
1830 Viscount Goderich	1852 Duke of Newcastle

### SECRETARIES OF STATE FOR WAR

1854 Duke of Newcastle	1916 D. Lloyd George
1855 Lord Panmure	1916 Earl of Derby
1858 J. Peel	1918 Viscount Milner
1859 Sidney Herbert	1919 Winston Churchill
1861 Sir G. C. Lewis	1921 Sir L. Worthington-Evans
1863 Earl de Grey & Ripon	1922 Earl of Derby
1866 Marquess of Hartington	1924 S. Walsh
1866 J. Peel	1924 Sir L. Worthington-Evans
1867 Sir J. S. Pakington	1929 T. Shaw
1868 E. Cardwell	1931 Marquess of Crewe
1874 Viscount Cranbrook	1931 Viscount Hailsham
1878 F. A. Stanley	1935 Viscount Halifax
1880 H. C. E. Childers	1935 A. Duff Cooper
1882 Marquess of Hartington	1937 L. Hore-Belisha
1885 W. H. Smith	1940 O. F. G. Stanley
1886 H. Campbell-Bannerman	1940 Anthony Eden
1886 W. H. Smith	1940 H. D. R. Margesson
1887 E. Stanhope	1942 Sir J. Grigg
1892 H. Campbell-Bannerman	1945 J. J. Lawson
1895 Marquess of Lansdowne	1946 F. J. Bellenger
1900 St. John Brodrick	1947 E. Shinwell
1903 H. O. Arnold-Foster	1950 L. Strachey
1905 R. B. Haldane	1951 A. H. Head
1912 J. E. B. Seely	1956 J. Hare
1914 H. H. Asquith	1958 C. Soames
1914 Earl Kitchener of Khartoum	

## FIRST COMMISSIONERS AND MINISTERS OF WORKS

1851	Lord Seymour	1914	Lord Emmett
1852	Lord Charles Manners	1915	L. Harcourt
1853	Sir W. Molesworth	1916	Sir A. Mond
1855	Sir B. Hall	1921	Earl of Crawford & Balcarres
1858	Duke of Rutland (formerly Lord Charles Manners)	1922	Sir J. Baird
1859	H. Fitzroy	1924	F. W. Jarvett
1860	W. F. Cooper	1924	Viscount Peel
1866	Duke of Rutland	1928	Marquess of Londonderry
1868	A. H. Lyaard	1929	G. Lansbury
1869	A. S. Ayrton	1931	Marquess of Londonderry
1873	W. P. Adam	1931	W. Ormsby-Gore
1874	Lord Henry Gordon-Lennox	1936	Earl Stanhope
1876	G. J. Noel	1937	Sir P. Sassoon
1880	W. P. Adam	1939	H. Ramsbotham
1881	G. J. Shaw-Lefevre	1940	Earl de la Warr
1885	Earl of Rosebery	1940	Lord Teyon
1885	D. R. Plunket	1940	Lord Reith (first Minister)
1886	Earl of Morley	1942	Lord Portal
1886	Earl of Elgin & Kincardine	1944	D. Sandys
1886	D. R. Plunket	1945	G. Tomlinson
1892	G. J. Shaw-Lefevre	1947	C. W. Key
1894	H. J. Gladstone	1950	R. R. Stokes
1895	A. Akers-Douglas	1951	G. Brown
1902	Lord Windsor	1951	Sir D. Eccles
1905	L. Harcourt	1954	N. Birch
1910	Earl Beauchamp	1955	P. Buchan-Hepburn
		1957	H. Molson



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